

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1984

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING TUESDAY, FEBRUARY 7, 1984



Vol. 1

WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

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**JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1984**

FIRST DAY

Montgomery, Alabama
Tuesday, February 7, 1984
State Capitol of Alabama

JOURNAL

of the House of Representatives of the State of Alabama, of the Regular Session of 1984, begun and held at the Capitol in the City of Montgomery, State of Alabama, on the first Tuesday in February, 1984, being the seventh day of the month in the Year of our Lord, One Thousand Nine Hundred and Eighty-Four, at 12 o'clock, M., on which day, the day fixed by law for the meeting of the Legislature of Alabama, was called to order by Honorable Tom Drake, Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by Reverend J. D. Brown, Pastor, First Baptist Church, Vinemont, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

LEAVE OF ABSENCE

At the request of Rep. Turner, leave of absence was granted for Rep. Box.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 1. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for transaction of public business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Blake, Smith and Davis.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Representative Turner:

H. 1. To amend 1975 Code of Alabama, § 40-20-2(a) and § 40-20-2(b) as amended, so as to provide seven percent statewide production privilege tax, to provide a reduction of said tax to six percent effective October 1, 1984, to provide tax incentives for certain types of high cost or high risk production, and to provide an effective date.

Committee on Ways and Means.

By Representatives Mitchell, Poole, Melton, and Johnson (Roy):

H. 2. To exempt the Community Soup Bowl, Inc., of Tuscaloosa, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Representative Coburn:

H. 3. To provide for a supplemental appropriation of \$75,000.00 from the state general fund for the fiscal year ending September 30, 1984, to the Legislative Reference Service for its general operations.

Committee on Ways and Means.

By Representative Holmes:

H. 4. To amend Section 1-3-8 of the Code of Alabama 1975, relating

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to observance of state holidays, so as to provide further for such holidays.

Committee on State Administration.

By Representative Holmes:

H. 5. To amend Section 1-3-8 of the Code of Alabama 1975, relating to observance of state holidays, so as to provide further for such holidays.

Committee on State Administration.

By Representative Flowers:

H. 6. To authorize the various county and municipal law enforcement agencies of this state to enforce the state's illegal waste dumping statutes to the same extent as local health authorities are empowered to enforce such laws.

Committee on Health.

By Representative Flowers:

H. 7. To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

Committee on Health.

By Representative Flowers:

H. 8. To amend Section 17-4-156, Code of Alabama 1975, relating to the meeting days of the boards of registrars, so as to increase Pike County's board of registrars meeting days.

Committee on Ways and Means.

By Representative Mitchell (With Notice and Proof):

H. 9. To provide for branch banking in Pickens County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 9, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Gray, Trammell, and Boles:

H. 10. To amend Sections 34-8-1 and 34-8-7, Code of Alabama 1975, to include a swimming pool contractor in the definition of "general contractor" found within Title 34, Chapter 8, Code of Alabama 1975, and to exclude a swimming pool contractor from the exemptions found within Section 34-8-7, Code of Alabama 1975.

Committee on Small Business.

By Representative Starkey:

H. 11. To amend Section 11-43-40, Code of Alabama, 1975, relating to the composition of city councils in cities having a population of 12,000 or more so as to provide for a procedure to establish a council of not more than seven aldermen to be elected from districts and a council president to be

electd at large; to provide a waiver of the requirement that the composition of a city council in a city having a population of 12,000 or more must be changed at a time more than six months prior to any general municipal election in the event the voters of such city have voted to change the form of government to the mayor-council form of government at an election held at a time within nine months of the date of the next ensuing general municipal election.

Committee on Local Government.

By Representatives Hooper, McKee, Rice, White (L), Bachus, Turnham, McMillan, Johnson (RG), Mikell, Adams, Sasser, Biddle, Warren, Smith, Brooks, Starr, Seibels, Beers, Gaston, Cosby, Faulk, Mitchell, Preuitt, Carter, Harper, Butler, Fuller, Carothers, White (G), Hammett, and Kvalheim:

H. 12. Proposing an amendment to the Constitution of Alabama protecting a citizen's right to work.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

By Representative Rogers (With Notice and Proof):

H. 13. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 municipality on the question of whether this Act will become effective in such municipality; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in any Class 1 municipality in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission, to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of a license fee for pari-mutuel wagering by each licensed operator to the racing commission licensing such operator and

to specify the method for determining the amount of any such fee; to provide that any such racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent Act of the Legislature; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in Class 1 municipalities.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 13, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Laird:

H. 14. To amend Section 25-10-6, Code of Alabama 1975, which provides for the membership on the small business assistance advisory council, so as to increase legislative members on the council.

Committee on Small Business.

By Representative Laird:

H. 15. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

Committee on Ways and Means.

By Representative Laird:

H. 16. To amend Sections 13A-9-13.1 and 13A-9-13.2 of the Code of Alabama 1975, relating to negotiating worthless negotiable instruments, so

as to provide further for service charges and penalties for negotiating such worthless instruments.

Committee on Judiciary.

By Representative Laird:

H. 17. To create a regulatory information service within the Alabama Development Office to provide assistance and information to citizens interested in establishing or engaging in a commercial activity.

Committee on Small Business.

By Representative Laird:

H. 18. To amend further Section 40-20-2, Code of Alabama 1975, as last amended by Act No. 83-889, H. 26, Fourth Special Session 1983, relating to the levy of a state oil and gas severance tax, so as to provide a ten percent (10%) exemption on newly discovered oil and gas wells.

Committee on Ways and Means.

By Representative Laird:

H. 19. To make an appropriation from the Special Educational Trust Fund to the State of Alabama Small Business Procurement System.

WHEREAS, in 1982 the U.S. Government spent \$3.2 billion for procurement in Alabama and Alabama firms received only five percent (5%) of that business; and

WHEREAS, the purpose of the System is to build on the existing network of twelve (12) Small Business Development Centers (SBDC's) in Alabama to develop government procurement/contracting opportunities for Alabama small business; and

WHEREAS, the proposed automated data-based State of Alabama Small Business Procurement System would have the following configuration:

1. System development, maintenance, and control functioning would be housed at the ASBDC State Office at The University of Alabama in Birmingham.

2. System Input—Information concerning invitations for bid (IFB), pre-bid announcements and related contract data would be accumulated from federal government purchasing offices in Florida, Georgia, Alabama, Mississippi, Louisiana, and Tennessee; State of Alabama purchasing offices; local government agencies including county, city, school board, and related agencies; and prime contractors and private industry summarized and entered into the system. Contracting capabilities of Alabama firms would be entered into the system.

3. System Output—System would match each client firm's capabilities with contracting opportunities and prepare pre-mailer to firm as notification of the contracting opportunity on a weekly basis. This output would occur at each of the twelve (12) local SBDC's. Local SBDC staff would provide follow-through with client firms and on-going consultation; and

WHEREAS, the proposed System, after two (2) years of operation, should double the amount of government contracting dollars going to Alabama's small businesses; now therefore,

Committee on Ways and Means.

By Representative Laird:

H. 20. To permit small businesses and individuals to recover the costs of defending against a state agency when they prevail in court upon appeal.

Committee on Ways and Means.

By Representative Laird:

H. 21. To create, within the office of the Governor, an Alabama Small Business Office of Advocacy to serve as the principal advocate in the state on behalf of small businesses, including advisory participation in the consideration of legislation and administrative regulations affecting small businesses; to specify the functions and duties of the office; and to require the office to submit an annual report to the Governor and the legislature describing the activities and recommendations of the office.

Committee on Small Business.

By Representatives Harper and Cosby:

H. 22. Providing for the transfer of responsibilities relating to printing, binding, and related services from the state finance department to the state department of corrections industries division with such transfer to be phased over the next three fiscal years.

Committee on State Administration.

By Representatives Harper and Cosby:

H. 23. To regulate the purchase, possession, manufacture, distribution and sale of alcoholic beverages; to provide for the sale of alcoholic beverages by private businesses; to provide for a phase out period of the Alabama Alcoholic Beverage Control Board; to provide for the liquidation of inventories and facilities of the Alcoholic Beverage Control Board and the distribution of the proceeds therefrom; to provide for the issuance of any permits, licenses and the administration of this Act; to provide penalties for violations of the provisions of this Act; and to repeal conflicting statutes.

Committee on Ways and Means.

By Representatives Harper and Cosby:

H. 24. To create an "offshore" trust fund to be invested by the state treasurer with the advice of a select committee. The select committee may pledge any portion of the reserve fund; to provide that the provisions are effective immediately; and to provide the trust fund herein created is separate and in addition to the "Alabama Heritage Trust Fund" created by Act No. 81-1178, H. 72, Third Special Session 1981 (Acts First, Second and Third Special Sessions 1981, p. 464), Amendment No. 394 Constitution of 1901; and to repeal conflicting laws.

Committee on Ways and Means.

By Representatives Harper and Cosby:

H. 25. To amend Section 36-26-8, Code of Alabama 1975, which relates to the duties of the state personnel director, so as to remove the requirement that the names of all state employees must be published annually.

Committee on Ways and Means.

By Representatives Smith, Hall, Turner, and Brooks:

H. 26. To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages, and to provide criminal penalties.

Committee on State Administration.

By Representatives Smith and Flowers:

H. 27. To amend Section 28-3A-25, Code of Alabama 1975, which provides for certain unlawful acts and offenses under the Alcoholic Beverage Licensing Code, so as to further define the offense of sales of alcoholic beverages to minors.

Committee on State Administration.

By Representative Black (With Notice and Proof):

H. 28. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw in Greene County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 28, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Turner:

H. 29. To establish the Alabama Small Business Assistance Corporation, to provide that its purposes include the protection and enhancement of employment opportunities in Alabama through providing low interest financing for small businesses, to define terms, to provide that the Corporation may borrow money to finance its purposes, to provide that the Governor, the Director of Finance, the State Treasurer and the Chairman of the Small Business Advisory Council may become a public corporation through filing of a certificate of incorporation with the Secretary of State of the State of Alabama, to provide that the Corporation may determine qualifications necessary for making loans to qualifying small businesses, to provide that the Corporation shall within the limits set out by the Legislature determine whether businesses qualify hereunder, to provide an effective date and to repeal all laws not consistent with this Act.

Committee on Ways and Means.

By Representative Turner:

H. 30. To provide authority for the governing body of any Class 2 municipality covered by the Employees' Retirement System of Alabama, with the consent of the Board of the Employees' Retirement System of Alabama, to provide credit for the prior service of new employees to the extent of their prior service with public employers eligible for coverage under the Employees' Retirement System of Alabama, to provide for special membership service, to define prior service and to provide procedures.

Committee on Ways and Means.

By Representative Turner:

H. 31. To exempt from ad valorem taxes all property owned and used

by the Mobile Area Chamber of Commerce Foundation, Inc.

Committee on Ways and Means.

By Representative Turner:

H. 32. To provide for certain payroll deductions for full-time firefighters employed by political subdivisions in this state.

Committee on Local Government.

By Representative Turner:

H. 33. To authorize the Public Service Commission to grant intrastate charter rights to any common carrier of passengers by motor vehicle regardless if such common carrier holds and operates regular route authority.

Committee on Public Utilities and
Transportation.

By Representative Turner:

H. 34. Relating to the 13th Judicial Circuit; authorizing the clerk of such circuit, in instances when ordered by the court of such circuit, in instances when ordered by the court to invest money which has been deposited with the court, to deduct, at the time of disbursement, five percent of the earned income from the invested money; and providing that the deducted amount shall be deposited in the general fund of Mobile County.

Committee on Ways and Means.

By Representative Turner:

H. 35. To amend the title and various section of Act 83-455, Regular Session 1983, relating to uniform plans of health insurance for active and retired employees of educational institutions, so as to include a definition of substitute teachers, and under certain circumstances to allow substitute teachers to participate in such insurance plans.

Committee on Ways and Means.

By Representative Turner:

H. 36. Authorizes the Department of Revenue to pay twelve hundred dollars annually to Appraisers, Mappers and Alabama Certified Tax Administrators who receive professional recognition as an Alabama Certified Appraiser, Alabama Certified Mapper and Alabama Certified Tax Administrator. The payment by the Department will be from funds now appropriated under Code of Alabama, 1975, Section 40-7-70.

Committee on Ways and Means.

By Representative Turner:

H. 37. To re-open the State of Alabama Judicial Retirement System for certain Alabama State Legislative service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the State of Alabama Judicial Retirement System; to set a date of assuming office for the first time as a judge for persons who buy retirement time under this act and to provide for its termination.

Committee on Ways and Means.

By Representative Turner:

H. 38. To amend Code of Alabama 1975, Section 22-21-260, so as to

include the word "hospices" in the definition of health care facilities regulated and controlled by the State Health Planning and Development Agency.

Committee on Health.

By Representative Turner:

H. 39. Relating to home health agencies in Alabama; providing for licensing of home health agencies; empowering the state board of health to grant and revoke such licenses; establishing an advisory board to assist the state board of health in carrying out the provisions of this act; and prescribing criminal penalties for violating certain provisions of this act.

Committee on Health.

By Representatives Ford and Junkins (With Notice and Proof):

H. 40. To alter or rearrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Etowah County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 40, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Ford:

H. 41. To amend Section 18-3-1, Code of Alabama 1975, as last amended, which provides for acquisition of rights-of-way by private parties, so as to provide further for said acquisition.

Committee on Judiciary.

By Representatives Ford and Junkins (With Notice and Proof):

H. 42. Relating to the City of Gadsden, Etowah County; to repeal the provisions of Act No. 83-441, providing for a preferential referendum on the question of a mayor-council form of government and prescribing the time of the election, and repealing conflicting laws.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 42, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Smith and Grouby (With Notice and Proof):

H. 43. Relating to Chilton County; to provide for an additional expense allowance for the county coroner.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 43, AS REQUIRED IN THE GENERAL

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ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Smith and Parker:

H. 44. To amend Section 36-7-20 of the Code of Alabama 1975 so as to further provide that the per diem travel allowance for employees stationed at the same place in the state for a period in excess of two consecutive months shall be reduced to an amount equal to \$5.00 less than the regular per diem allowance fixed by the governor.

Committee on Ways and Means.

By Representative Grouby:

H. 45. To provide salary increases for certain state employees and to appropriate funds therefor.

Committee on Ways and Means.

By Representatives Turnham, Bugg, Kennedy, Zoghby, and Marietta:

H. 46. To authorize the Chancellor of Postsecondary Education to establish multipurpose programs at designated two-year institutions to provide the necessary training, counseling, and services to enable displaced homemakers to experience economic security vital to productive lives; and to provide for the appointment of a director to administer the statewide network of multipurpose programs.

Committee on Ways and Means.

By Representative Turnham:

H. 47. Relating to the Alabama Uniform Certificate of Title and Antitheft Act; to amend Section 32-8-41, Code of Alabama 1975, so as to eliminate the requirement of the state department of revenue to issue a non-transferable duplicate certificate of title for mailing to the owner to serve as a permit for the operation of a motor vehicle; and to amend Section 32-8-38, Code of Alabama 1975, so as to provide that the owner's permit copy of the application for certificate of title be retained by the owner as a nonnegotiable document as evidence of ownership and as a permit for the operation of a motor vehicle in order to eliminate the use of a form that duplicates the effects of another form.

Committee on Ways and Means.

By Representative Turnham:

H. 48. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Committee on Education.

By Representative Newman:

H. 49. To require local school boards, governing boards of the Department of Youth Services, the Alabama Institute for Deaf and Blind and public postsecondary institutions to provide professional leave to their employees for State Board of Education meetings, workshops and job related conferences and conventions, and professional association activities.

Committee on Ways and Means.

By Representatives Mathis, Carothers, Grimsley, and Rains:

H. 50. To amend Section 26-10-5, Code of Alabama 1975, relating to adoption procedures and rights of natural and adopting parents, so as to provide further for certain rights of natural grandparents of the minor child.

Committee on Judiciary.

By Representative Biddle:

H. 51. Relating to contracts and contractors; to give preference to resident contractors who bid on public work projects except where federal funds are involved.

Committee on State Administration.

By Representative Biddle:

H. 52. Relating to contractors; to require out-of-state contractors to register and file either a deposit or surety bond as well as a list of personal property involved in a construction project in Alabama upon which use and ad valorem taxes are due and payable; to provide for the payment of such taxes; and to provide for the return of the deposit or surety bond posted.

Committee on State Administration.

By Representatives Mitchell, Grouby, Laird, Smith, Rogers, Turner, Flowers, McMillan, Brakefield, Moore, Zoghby, Warren, Buskey, (James), Richardson, Turnham, White (L), Pratt, Britnell, Lauderdale, Newman, Junkins, Nicholson, Dutton, Hall, Hettinger, Albright, Grayson, Carothers, Ford, Venable, Johnson (Roy), Kennedy, Blake, White (F), Campbell, Browder, Crow, Martin, and Mathis:

H. 53. To further provide for payroll deductions for state employees.

Committee on State Administration.

By Representative White (L) (With Notice and Proof):

H. 54. Relating to Tallapoosa County; providing for a salary schedule for certain employees of the sheriff's department in said county and providing that such schedule shall have retroactive effect to October 1, 1983.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 54, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative White (L):

H. 55. Relating to motor vehicles; requiring as a prerequisite to registration of a motor vehicle and renewal of a driver's license that every person so registering or renewing shall secure and pay the premium on a motor vehicle liability insurance policy issued by an insurance company authorized to transact business within the State of Alabama, or otherwise establish financial responsibility; to facilitate the procuring of such insurance by providing for an assigned risk plan among insurance companies for the equitable apportionment among such companies of undesirable risks and to prescribe penalty for enforcement.

Committee on Insurance.

By Representative White (L):

H. 56. Providing that certain personnel employed by the state alcoholic beverage control board shall have been considered as active members of the state policeman's retirement system retroactive to their original dates of employment by such board for purposes of determining their state retirement benefits and providing that such personnel shall be eligible for such benefits to the same extent as other members under such system with additional cost being assessed to the ABC Board.

Committee on Ways and Means.

By Representative White (L):

H. 57. Providing that agencies or departments of local governmental entities which are member units of the state employees retirement system shall be eligible to have their employees participate in the state employees health insurance plan.

Committee on Ways and Means.

By Representative White (L):

H. 58. To provide for charges that may be made for bad checks given in payment to lenders of money or extenders of credit; to provide that such charges shall not be deemed interest, finance or other charges that are limited or restricted by law; to provide that this act shall be included in the Code of Alabama 1975, as Section 8-8-15 of said code.

Committee on Banking.

By Representative White (L):

H. 59. To amend Sections 14-8-42 and 14-8-43 of the Code of Alabama 1975, relating to the crime of the failure of an inmate to remain within the extended limits of confinement of correctional and detentional facilities and the punishment therefor, so as to increase the severity of such crime; and to provide for felony punishment of such crime.

Committee on Judiciary.

By Representative White (L):

H. 60. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

Committee on Ways and Means.

By Representatives Starr and McKee:

H. 61. Relating to the uniform commercial code; to amend Section 7-9-403, Code of Alabama 1975, to exempt mobile homes from being subject to the limitation of filing a continuation statement five years after filing a financing statement on a perfected security interest.

Committee on Judiciary.

By Representatives Coleman, Newman, Richardson, Cosby, Harvey, Clark (J), Blake, and Hooper:

H. 62. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is

on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1984.

Committee on Ways and Means.

By Representative Carter:

H. 63. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, aircraft, automobile, truck or watercraft and to prescribe felony punishment for such acts.

Committee on Judiciary.

By Representative Sasser:

H. 64. To amend Section 17-4-156, Code of Alabama 1975, relating to the meeting days of the boards of registrars, so as to increase Dale County's board of registrars' meeting days.

Committee on Local Government.

By Representatives Carter and Drake:

H. 65. To amend Section 9-11-434, Code of Alabama 1975, and to repeal Section 9-11-435, Code of Alabama 1975, relating to the revenue derived from the sale of the migratory waterfowl stamp and the expenditure thereof, so as to eliminate the authority granted therein to the Department of Conservation and Natural Resources to enter into contracts with non-profit organizations allocating up to one-half of said funds for approved projects outside the United States.

Committee on Natural Resources.

By Representative Buskey (James):

H. 66. To amend Section 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights, so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

Committee on Highway Safety.

By Representative Buskey (James):

H. 67. To prohibit the Retirement Systems of Alabama from investing their monies or funds in certain business entities which do business in or with South Africa or Namibia.

Committee on Ways and Means.

By Representative Buskey (James):

H. 68. To re-open the State of Alabama Judicial Retirement System for certain Alabama State Legislative service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the State of Alabama Judicial Retirement System; to set a date of assuming office for the first time as a judge for persons who buy retirement time under this Act; and to provide for the termination date.

Committee on Ways and Means.

By Representatives Grayson, Kennedy, Buskey (James), Davis, Horn,

Rogers, Spratt, Escott, McDowell, Albright, Perdue, Buskey (John), Thomas, Bugg, Lauderdale, Parker, Butler, Black, and Bryant:

H. 69. To provide that the members of any agency, which annually receives any state appropriations, who shall establish any rule, regulation, procedure or policy, or otherwise, interfere with any duly elected official in the performance of official state duties or who penalize such official by withholding salary compensation or requiring compensatory time, or otherwise shall be guilty of obstructing governmental operations, as prescribed in Section 13A-10-2, Code of Alabama 1975, and, upon conviction thereof, shall be guilty of a Class A misdemeanor crime and shall be punished as provided therein; and to provide the provisions of this act are cumulative.

Committee on Judiciary.

By Representatives Grayson, Kennedy, Buskey (James), Davis, Horn, Rogers, Spratt, Escott, McDowell, Albright, Perdue, Buskey (John), and Thomas:

H. 70. To further define "state funds," for duly elected state officials receiving compensation from more than one source receiving state appropriations, within the meaning of the provisions of Title 36, Chapter 25, Code of Alabama 1975, the Code of Ethics for Public Officials, so as to provide for equal treatment of such officials.

Committee on State Administration.

By Representatives Richardson, Carothers, Blakeney, Burke, Turner, Butler, Starr, Brakefield, Coleman, Faulk, Mitchell, Reed, Cosby, Thomas, Lindsey, and Grimsley:

H. 71. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of soybeans and soybean products; to amend Section 2-8-89 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of soybeans shall not exceed two cents per net bushel after deductions for foreign material on any soybeans sold by producers.

Committee on Agriculture and
Forestry.

By Representatives Richardson, Smith, Carothers, McKee, Blakeney, Browder, Burke, Turner, Laird, Butler, Brakefield, Coleman, Faulk, Mitchell, Reed, Thomas, Cosby, Lindsey, and Grimsley:

H. 72. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing test and to charge a fee to recover the actual expenses incurred.

Committee on Agriculture and
Forestry.

By Representatives Richardson, Blakeney, and Blake:

H. 73. To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to

further provide for such compensation.

Committee on Ways and Means.

By Representatives Carothers, Johnson (RG), Richardson, Smith, Mathis, and Grimsley:

H. 74. To repeal Sections 2-13-82, 2-13-83, 2-13-85 and 2-13-88, Code of Alabama 1975, which requires milk producers and processors to obtain a joint permit from the State Board of Health and the County Boards of Health in order to do business in Alabama.

Committee on Health.

By Representatives Johnson (Roy) and Holley:

H. 75. To provide further for funding of legislative services and establish procedures therefor.

Committee on Ways and Means.

By Representative Johnson (Roy) (With Notice and Proof):

H. 76. To promote the maintenance of Tuscaloosa County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Tuscaloosa County of information pertaining to laws relative to littering and penalties therefore; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Tuscaloosa County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Tuscaloosa County, an agency and person empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Tuscaloosa County; to grant authority to the Tuscaloosa County, and to provide for a means to plea to the public to heed such laws and to help eliminate littering such county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 76, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Clark (J) and Richardson:

H. 77. To amend Section 9-14-27, Code of Alabama 1975, as last amended, relating to length of term of concession contracts, so as to extend the allowable term for state park concession contracts from six to ten years and the maximum term where major expenditures are made by concessionaire from twelve to twenty years.

Committee on Natural Resources.

By Representatives Clark (J) and Richardson:

H. 78. To amend Section 9-2-107, Code of Alabama 1975, relating to the State Park Revolving Fund, so as to provide that up to 2% of said fund may be encumbered each year for use in major repair and maintenance service of land, buildings, and permanent equipment fixed assets; and capital

improvements or alteration to land, buildings, or permanent equipment.

Committee on Natural Resources.

By Representatives Hettinger, Grayson, and Brooks:

H. 79. To authorize and make provision for the incorporation of Railroad Authorities as public corporation for the purpose of acquiring, constructing, equipping, improvings, maintaining, developing, and operating railroads, railroad properties and facilities, and other buildings and facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama, as defined, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain powers; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments of construction or purchase contracts; to provide that any county, city, town or other political sub-division, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues than exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment

of any idle funds of any county, city or town within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

Committee on Public Utilities and
Transportation.

By Representative Hettinger:

H. 80. To provide that each municipality in the State of Alabama shall have the authority to enter into binding option agreements with respect to any land held by it as the site of an industrial park, subject to certain conditions and limitations.

Committee on Local Government.

By Representatives Marietta, Buskey (James), Kennedy, and Onderdonk:

H. 81. To amend Chapter 7 of Title 32 of the Code of Alabama 1975, commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6, 32-7-16 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to provide what the term "uninsured motor vehicle" shall include under the uninsured motorist coverage section of the Motor Vehicle Safety-Responsibility Act, increases the amount of payment on judgments necessary to satisfy the requirements of the Motor Vehicle Safety-Responsibility Act, and to increase the minimum amount of liability required under a motor vehicle liability policy under the Motor Vehicle Safety-Responsibility Act.

Committee on Insurance.

By Representative McKee:

H. 82. To make a supplemental appropriation to the State Board of Physical Therapy from the Physical Therapist Fund for the fiscal year ending September 30, 1984.

Committee on Ways and Means.

By Representative Martin:

H. 83. To amend Section 6-5-332, Code of Alabama 1975, which provides exemptions from civil liability for certain persons under particular circumstances, so as to exempt from liability those persons providing assistance in mitigating the effects of a discharge of hazardous materials.

Committee on Judiciary.

By Representative Albright:

H. 84. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply

therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Committee on Business and Labor.

By Representative Albright:

H. 85. To provide that any commercial cable TV operation must be regulated by the Alabama Public Service Commission; to provide for the granting of licenses for commercial TV operations by the public service commission; to empower the public service commission to promulgate rules and regulations governing the operation of cable TV companies; and to prescribe penalties.

Committee on Public Utilities and
Transportation.

By Representative Martin:

H. 86. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,500 pounds or greater, may be made without the requirement of competitive bids being taken.

Committee on Ways and Means.

By Representative Albright (With Notice and Proof):

H. 87. To provide for and create the Madison County Racing Commission, for the regulating, licensing and supervising of greyhound racing and pari-mutuel wagering thereon; to prescribe the composition, appointment, powers and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Committee on Ways and Means.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 87, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Coburn, Johnson (Roy), and Holley:

H. 88. To require, in addition to rear tags or plates, the placement of front tags or plates and any attachments thereto on all motor vehicles operated in this state; to require all such tags or plates, front and rear placement, and attachments thereto, to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an additional fee for such tags and reflec-

tion standards, and, for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

Committee on Ways and Means.

By Representative Buskey (John):

H. 89. To amend Section 38-2-7 of the Code of Alabama 1975, relating to the county boards of pensions and security so as to further provide for the election of one member of each county board by the employees of the local county department of pensions and security.

Committee on State Administration.

By Representatives Harper and Penry:

H. 90. To amend Section 9-12-113 of the Code of Alabama 1975, as last amended, relating to certain hook and lines, net, and seine licenses, so as to provide that the cost of a commercial hook and line license is \$25.00; to provide for a charge of \$100.00 for purse seine licenses regardless of the size of the purse seines licenses regardless of the size of the purse seines; to require name and license number tags on all nets except purse seines; to delete the definition of nonresident; and to provide that all nets fished in an illegal manner shall be declared a nuisance and shall be subject to condemnation and forfeiture.

Committee on Ways and Means.

By Representative Venable (With Notice and Proof):

H. 91. Relating to Coosa County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Coosa County; repealing conflicting laws; providing for a referendum and prescribing the effective date of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 91, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Venable:

H. 92. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Committee on Ways and Means.

By Representative Ford:

H. 93. To amend Section 5-18-11 of the Code of Alabama 1975, relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

Committee on Banking.

By Representative Campbell:

H. 94. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending § 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of §§ 41-22-12 through 41-22-21, Code of Alabama 1975, tax assessments, determinations, redeterminations and appeals, and related procedures and adjudicative proceedings which are governed by Title 40, Code of Alabama 1975, and which are governed by Article 7, Chapter 4, Title 25, Code of Alabama 1975, and certain pardon and parole hearings; by amending § 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice; by amending § 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending § 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending § 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending § 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending § 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending § 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending § 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; amending §§ 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Depart-

ment of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

Committee on Judiciary.

By Representatives Penry and Harper:

H. 95. To make it a misdemeanor to pick wild sea oats on the beaches of any county in which sea oats are grown.

Committee on Judiciary.

By Representative Campbell:

H. 96. Relating to banks and branch banking: To permit any bank maintaining an office within any metropolitan statistical area to establish one or more branches at any location within said metropolitan statistical area with the consent and approval of the Superintendent of Banks; to define the term "metropolitan statistical area"; and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Committee on Banking.

By Representative Campbell:

H. 97. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.

Committee on Ways and Means.

By Representative Zoghby:

H. 98. To amend Code of Alabama 1975, Section 5-5A-20, as amended by Act No. 83-73, First Special Session 1983, relating to branch banking, so as to provide that electronic funds transfer, automatic teller machines, and other off-premise operations which the Superintendent of Banks may authorize pursuant to Section 5-2A-7 shall not constitute branch banks, branch offices, branch agencies, additional offices, branch places of business, or offices for the transaction of the banking business, for the receipt of deposits, payment of checks, lending of money and conduct of a general banking business.

Committee on Banking.

By Representative Zoghby:

H. 99. To provide for an appropriate memorial to be placed in the capital rotunda honoring the designers and maker of the Alabama State Flag; to provide that the Capitol Preservation Committee shall be responsible for the design and the placement of such memorial; and to appropriate funds therefor from the General Fund of the State Treasury.

Committee on Ways and Means.

By Representative Zoghby:

H. 100. To amend Section 8-8-5 of the Code of Alabama 1975, which relates to interest rates, so as to remove the Sunset or termination date on the provisions of said section as it applies to loans of \$25,000.00 or less.

Committee on Banking.

By Representative Zoghby:

H. 101. To require that insurance carriers providing medical, hospital, or surgical expense incurred health insurance to residents of this state must offer in conjunction with basic coverage catastrophic health insurance to any eligible person covering medical charges in excess of certain deductible amounts; to require such carriers to participate in an arrangement or pool which will assure the availability of such coverage to every eligible person, and to charge the commissioner of insurance of this state with the responsibility for implementation and enforcement of this act.

Committee on Insurance.

By Representative Zoghby:

H. 102. To amend Section 40-25-60, Code of Alabama 1975, so as to provide further for the levy of the privilege and license tax on packaged cigarettes containing at least 21 and not more than 25 cigarettes.

Committee on Ways and Means.

By Representatives Zoghby, Kennedy, Kvalheim, Gaston, Marietta, and Harper:

H. 103. To exempt The Explore Center, Inc., from the payment of all State, county and municipal ad valorem, sales and use taxes.

Committee on Ways and Means.

By Representative Moore:

H. 104. To make a supplemental appropriation of \$624,349 from the Alabama Special Educational Trust Fund to the University of Alabama in Birmingham for the Department of Pediatrics-Children's Hospital for the fiscal year 1983-1984.

Committee on Ways and Means.

By Representatives Butler and Hettinger:

H. 105. To exempt all persons employed in public schools from liability for certain communications concerning the suspected use, possession, sale or furnishing of any controlled substance by any student, to the student's parents, law enforcement officers or health care providers.

Committee on Judiciary.

By Representatives Butler and White (L):

H. 106. To amend Section 20-2-23, Code of Alabama 1975, relating to Schedule I of controlled substances, so as to add methaqualone to such schedule.

Committee on Health.

By Representatives Kennedy, Zoghby, Marietta, Kvalheim, Gaston, Harper, Warren, Buskey (James), Turner, and Penry:

H. 107. To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

Committee on Ways and Means.

By Representatives Pratt and Drake:

H. 108. To prohibit persons without a proper decal from parking a motor vehicle in certain handicapped parking places and providing criminal penalties for violating the provisions of this act.

Committee on State Administration.

By Representatives Payne and Beers (With notice and Proof):

H. 109. Relating to the Waterworks Board in a Class 1 municipality by providing for an increase in the membership of such board.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 109, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Harper and Penry:

H. 110. To amend Section 9-2-14, Code of Alabama 1975, relating to the composition of the advisory board of conservation and natural resources, so as to provide further therefor; and to provide for an effective date.

Committee on Natural Resources.

By Representatives Harper and Penry:

H. 111. To establish and provide for a seafoods advisory board of the department of conservation and natural resources; to provide for the composition of such board; and to prescribe its powers and duties.

Committee on Natural Resources.

By Representative Harper:

H. 112. To amend Section 9-12-54.5 of the Code of Alabama 1975, relating to shrimping by persons other than licensed bait shrimp dealers, so as to provide further for the catching of shrimp by such persons.

Committee on Natural Resources.

By Representatives Harper and Penry:

H. 113. To create a crab catcher's license; to establish when such license is required; to create a tagging system for commercial crab traps; to distribute the proceeds of such licenses; and to provide penalties for violation of this Act.

Committee on Natural Resources.

By Representative Harper:

H. 114. To create a fishing vessel permit for all boats and vessels which fish in brackish or salt waters of the State of Alabama.

Committee on Natural Resources.

By Representative Harper:

H. 115. To provide for graduated penalties for using oversized commercial shrimp trawls in the waters of Alabama of \$1,000.00 to \$1,250.00

upon conviction for the first offense, \$1,250.00 to \$1,500.00 for the second offense and \$1,500.00 to \$2,000.00 for the third and subsequent offenses during any two consecutive years. Trawls used during each offense shall be confiscated and upon conviction be forfeited to the department of conservation and natural resources.

Committee on Natural Resources.

By Representative Harper (With Notice and Proof):

H. 116. Relating to Mobile County; to provide for a referendum election to determine whether the Mobile County Commission shall provide for a leash law in the unincorporated areas of the county; to empower the county commission to adopt and enforce such leash law contingent upon such referendum approval by the qualified electors of the county and to provide that the county commission may contract with an incorporated municipality in the county for enforcement of such law.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 116, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Harper and Penry:

H. 117. To amend the penalty provisions of certain code sections of Article 2 of Chapter 12 of Title 9, Code of Alabama 1975, specifically Sections 9-12-32 (private reefs), 9-12-33 (culling of oysters), 9-12-42 (oyster replanting), 9-12-45 (terrapins), 9-12-46 (minimum weight of commercial shrimp), 9-12-54.7 (live bait dealers), 9-12-82 (oyster catcher license), 9-12-114 (license for wholesale and retail dealers of fresh saltwater fish), 9-12-116 (inspection of places of business), 9-12-117 (illegal tackle, illegal fishing devices or unlicensed boats or vessels), and 9-12-121 (general penalty provisions of Article 2 of Chapter 12, Title 9), so as to increase the penalties thereof.

Committee on Natural Resources.

By Representative Harper:

H. 118. To provide for graduated penalties for commercial shrimp trawling in closed waters of \$1,000.00 to \$1,250.00 for the first conviction, \$1,240.00 to \$1,500.00 for the second conviction and \$1,500.00 to \$2,000.00 for the third conviction during any two consecutive years. In addition, trawl or trawls used during each violation shall be confiscated and upon conviction become the property of the department of conservation and natural resources.

Committee on Natural Resources.

By Representatives Harper and Turner (With Notice and Proof):

H. 119. Relating to Mobile County; authorizing the judge of probate to sell lists of voters to certain candidates and providing for the disposition of funds from said sales.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 119, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Penry and McMillan:

H. 120. To appropriate to the State Board of Chiropractic Examiners from its separate fund in the General Fund of the State Treasury \$10,000 for the purpose of the general operation of that Board for the fiscal year ending September 30, 1984 in addition to any and all other appropriations heretofore or hereafter made to the Board of Chiropractic Examiners; and to provide for an effective date.

Committee on Health.

By Representatives Clark (J) and Johnson (RG):

H. 121. To amend Sections 34-9-1, 34-9-6, 34-9-7, 34-9-9, 34-9-17, 34-9-18, 34-9-22, 34-9-27, 34-9-39, 34-9-40, 34-9-41, 34-9-43, Code of Alabama 1975, relating to the practice and teaching of dentistry and providing for the licensing and regulation of persons engaged in the practice and teaching of dentistry, dental hygiene, or the operation of dental laboratories; providing further for the operation of the State Board of Dental Examiners; and to provide penalties for certain violations.

Committee on Health.

By Representative Grayson:

H. 122. To amend Section 16-35-1, Code of Alabama, 1975, so as to provide for the qualifications and number of the members of the State Courses of Study Committee.

Committee on Education.

By Representative Mitchell:

H. 123. To exempt the Association for Retarded Citizens of Alabama, Inc., and its affiliated units not otherwise exempt from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Representative Grayson:

H. 124. To provide that not more than fifteen minutes of the required scholastic day may be spent on clerical or non-instructional duties. To further provide each teacher a duty-exempt lunch period for at least 30 minutes of each school day.

Committee on Education.

By Representative Grouby:

H. 125. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the liquefied petroleum gas board and appointees and employees thereof; to amend Sections 9-17-100, 9-17-102, 9-17-103, 9-17-104, 9-17-105, 9-17-106, and 9-17-109 of the Code of Alabama 1975; and to provide penalties for violations.

Committee on Public Utilities and
Transportation.

By Representatives Johnson (RG), Horn, Hettinger, Penry, Albright, Harper, and Johnson (Roy):

H. 126. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with the Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale prices; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Committee on Business and Labor.

By Representative Onderdonk (With Notice and Proof):

H. 127. Relating to Washington County; providing further for the compensation of members of the county commission; prescribing that the members of the Washington County Commission, except the chairman, shall serve full time as such officers; providing for all fees, commissions or other charges heretofore collected and paid into the county general fund; specifically repealing Act No. 79-181, H. 311, Regular Session 1979 (Acts 1979, p. 291), Act No. 83-585, H. 38, Regular Session 1983, only to the extent these relate to the expense allowances and salary of the members of Washington County Commission, except the chairman, and all laws or parts of laws which provide expense allowances, salary or other compensation for said members are hereby repealed; and providing for an effective date.

Committee on Local legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 127, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Onderdonk (With Notice and Proof):

H. 128. Relating to Washington County; to provide that the sheriff shall be entitled to the allowances payable by the State, county or municipalities for feeding prisoners housed in the Washington County Jail; and to provide that the provisions of this Act shall be retroactive to January 18, 1983.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 128, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Onderdonk (With Notice and Proof):

H. 129. Relating to Washington County; to provide for the rehabilitation of certain persons, both male and female, convicted of certain types of crimes and sentenced to a term of confinement in certain jails in the county, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 129, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Laird (With Notice and Proof):

H. 130. To authorize the governing body of Randolph County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article I of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to provide for the use of said proceeds; to provide that the proceeds of such tax shall be used to pay the cost of constructing, furnishing and maintaining a county jail and/or a county courthouse; to prescribe penalties and fix punishment for violations of this act; to provide for the expiration of those taxes levied and imposed under authority of this act; to make the provisions of this Act retroactive to January 1, 1984; and to provide for the collections of such taxes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 130, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Laird (With Notice and Proof):

H. 131. Relating to Randolph County; to provide for an optional system of motor vehicle tag and decal purchasing by mail; to authorize an additional fee for mailing tags; to provide for the disposition of such fees; to provide that the county commission shall provide such necessary space, personnel, equipment and supplies; and to provide retroactive effect to January 1, 1983.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 131, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Laird:

H. 132. To prohibit an insurer authorized to write an individual, group or blanket disability insurance policy from withholding payment on a claim for any benefits under such policy for reason that an insured might have been eligible to have such claim indemnified by workmen's compensation if the insured's employer had elected to be covered under workmen's compensation.

Committee on State Administration.

By Representative Britnell:

H. 133. To provide that a local board of education shall allow a sick leave bank for its employees to be established upon the request of such employees.

Committee on Education.

By Representative Britnell:

H. 134. To amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975, to provide full-time teachers who teach the entire academic year with at least two weeks of vacation.

Committee on Ways and Means.

By Representatives Parker and Bachus:

H. 135. To amend Section 20-2-20 of the Code of Alabama 1975, relating to the addition or deletion of substances to or from schedules of the Alabama Uniform Controlled Substances Act, so as to remove the exclusion of tobacco from the state board of health authority.

Committee on Education.

By Representative Mathis:

H. 136. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1985, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Committee on Ways and Means.

By Representative Parker:

H. 137. To require local school boards, governing boards of the Department of Youth Services, the Alabama Institute for Deaf and Blind, and public postsecondary institutions to provide pay and release time to professionally certificated employees to fulfill the requirements of the State Board

of Education's professional development program.

Committee on Ways and Means.

By Representatives Campbell, Johnson (Roy), Blake, Cosby, Venable, Laird, Coleman, Harvey, Onderdonk, Blakeney, Zoghby, Dutton, Mitchell, Gaston, Kvalheim, Starr, Seibels, Junkins, Davis, Rogers, Perdue, Horn, Spratt, Black, Buskey (John), White (G), Gray, Payne, Beers, Bachus, Sasser, and Smith:

H. 138. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, as its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

Committee on State Administration.

By Representatives Gray, Spratt, Pratt, Davis, Rogers, Perdue, Beers, White (G), Bachus, Biddle, and McDowell (With Notice and Proof):

H. 139. To amend Article VII of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, said Article relating to loans to participants, repayment of loans, and life insurance, said Article to be amended in full, said Article to be amended to provide that participant loans shall be repaid in a period of forty-eight months or less from the date of such loan, and to provide that interest be charged on such loans in such amount as may be determined in the discretion of the Board but not more than seven (7) percent per annum.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 139, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

REGULAR SESSION
1st Day

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By Representative Holley:

H. 140. To amend Section 40-18-20, Code of Alabama 1975, so as to provide that the retirement income of military personnel shall be exempt from state, county, and municipal income taxes.

Committee on Ways and Means.

By Representatives Smith, Johnson (Roy), Holley, Poole, and Mitchell:

H. 141. To amend Section 16-1-18, Code of Alabama 1975, relating to school bus drivers and certain full-time support personnel employed by the boards of control of city and county school systems and the Alabama Institute for Deaf and Blind, so as to provide further for the maximum accumulated days not utilized or being paid for sick leave.

Committee on Ways and Means.

By Representative Zoghby:

H. 142. To provide for payment of examination fees by credit unions.

Committee on Banking.

By Representative Zoghby:

H. 143. To amend Section 5-2-120, Code of Alabama 1975, which provides for the appointment of the credit union board of the bureau of credit unions and to amend Section 5-2-121 which provides for meetings of the credit union board of the bureau of credit unions.

Committee on Banking.

By Representative Parker:

H. 144. WHEREAS, the Racking Horse is a widely recognized, excellent breed of horse; and

WHEREAS, the Racking Horse is similar to the Tennessee Walking Horse and shares many admirable qualities of that breed; and

WHEREAS, the Racking Horse is admired for its smooth gait, its powers of endurance and its ability to maintain a rapid pace for long periods of time; and

WHEREAS, the Racking Horse is beyond any doubt the horse most appropriate to be designated as the official state horse for the State of Alabama; now therefore.

Committee on State Administration.

By Representative Parker:

H. 145. To further amend Sections 36-14-13 and 41-4-156, Code of Alabama 1975, which pertain to the printing and distribution of acts, resolutions and pamphlet acts of the Alabama legislature so as to provide further for the distribution of printed acts and resolutions of the Alabama legislature; and to provide further for the distribution of pamphlet acts of the Alabama legislature.

Committee on Ways and Means.

PERMISSION GRANTED

Permission was granted for the Journal to show Reps. Coleman,

Zoghby, Payne, Hettinger, Laird, White (F) and Penry as co-sponsors of the bill, H. 12.

NOTICE IN WRITING

Reps. Holley and Johnson (Roy) filed the following Notice in Writing:

On the next legislative day a rule change will be introduced as follows:

Rule 1 (1) delete rule 1 (1) in its entirety and add in lieu thereof the following:

Rule 1 (1) no person, firm, partnership or corporation who has registered as a lobbyist or who is engaged in lobbying activities shall be permitted on the floor of the House of Representatives when the House is in session.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Ford:

H. J. R. 3. CREATING A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE STEEL INDUSTRY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Legislative Interim Committee to Study the Steel Industry. Said committee shall be composed of six members who shall be appointed from the Legislature. The Speaker of the House shall appoint three members and the Lieutenant Governor shall appoint three members from the House and Senate respectively.

The committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice chairman.

The committee shall study all aspects due to the merger between the LTV Corporation and Republic Steel Corporation and the possibility of closing the Gadsden plant in the Southern District and the depressed steel industry throughout the nation. This committee was requested to be created by the leadership of Republic Steel Corporation, U.S. Steel Workers of America, Greater Gadsden Chamber of Commerce and others.

Upon request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, upon warrants drawn on the state comptroller upon requisitions signed by the chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but shall receive their travel expenses as they travel upon the business of the committee within and without the state. The total of such expenses shall not exceed \$20,000.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 3, was adopted.

Also:

By Rep. Biddle:

H. J. R. 4. CREATING AN INTERIM COMMITTEE TO STUDY

THE RISING COST OF HEALTH CARE.

WHEREAS, health care costs now exceed 10 percent of the Gross National Product; and

WHEREAS, the fastest rising cost of doing business in America today is associated with health care costs; and

WHEREAS, health care costs for public employees now exceed the cost of retirement; and

WHEREAS, it is projected that health care costs will have a major impact on the State Budget; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim committee to study the functions, duties, responsibilities and relationships of health regulatory boards, State of Alabama, the growing indigent care responsibility placed upon providers of health care, the effect of third party reimbursement including the effect of Diagnostic Related Groups, cost shifting and indigent care, the competition in the health care delivery system, and the impact that this competition has on the health care delivery system, to analyze state laws to see if there is a need to modify state laws to accommodate Health Maintenance Organizations or Preferred Provider Organizations or other forms of health care organizations in order to promote cost efficiency and other pertinent health policy considerations.

BE IT FURTHER RESOLVED, That the committee be composed of the Chairman of the standing committees of Health, Finance and Taxation, and Ways and Means, and three members to be appointed by the Lieutenant Governor to be selected from the Insurance Committee, the Judiciary Committee, and the Aging Committee, and three members to be appointed by the Speaker of the House to be selected from the Insurance Committee, the Judiciary Committee, and the Public Welfare Committee.

BE IT FURTHER RESOLVED, That upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature.

BE IT FURTHER RESOLVED, That the Committee shall report its findings by the fifth legislative day of the 1985 and 1986 Regular Sessions of the Legislature.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. J. R. 4, was adopted.

Also:

By Rep. Harvey:

H. J. R. 5. NAMING A PORTION OF U. S. HIGHWAY 231, FROM ONEONTA TO ROSA, IN BLOUNT COUNTY, ALABAMA, THE "RAY MARSH DRIVE."

WHEREAS, Mr. Claude Ray Marsh of Trafford, Blount County, Alabama, lost his life as a result of a tragic accident on January 11, 1981, at the early age of 48 years; and

WHEREAS, a prominent area businessman, Mr. Marsh also was a community and civic leader held in highest regard by the citizens of Blount County; his contributions, however, transcended local bounds to the state-wide level as a member of the Board of the Alabama State Docks; and

WHEREAS, he further was a director of Central Bank, a faithful and active member of Center Hill Presbyterian Church, and was a member as well of the Oneonta Rotary Club and Locust Fork Masonic Lodge; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude and recognition of extraordinary and unselfish service, we hereby name and designate that portion of U.S. Highway 231, from Oneonta to Rosa, in Blount County, Alabama, the "Ray Marsh Drive."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers designating said portion of U.S. Highway 231 as the "Ray Marsh Drive."

RESOLVED FURTHER, That in notification of this commemorative designation of the Legislature, a copy of this resolution shall be forwarded to the family of the late Claude Ray Marsh.

On motion of Rep. Harvey, the rules were suspended and the resolution, H. J. R. 5, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 6. BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, February 7, 1984, we adjourn to meet again on Thursday, February 9, 1984; Tuesday, February 14, 1984; Thursday, February 16, 1984; Tuesday, February 21, 1984; Thursday, February 23, 1984; Tuesday, February 28, 1984; Thursday, March 1, 1984; Wednesday, March 7, 1984; Thursday, March 8, 1984; Tuesday, March 20, 1984; Thursday, March 22, 1984; Tuesday, March 27, 1984; and Thursday, March 29, 1984.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 6, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 7. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, February 7, 1984, we adjourn to meet again on Thursday, February 9, 1984, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 7, was adopted.

Also:

By Reprs. Hooper, McKee, Starr and Mikell:

H. J. R. 8. DESIGNATING MARCH 10, 1984, AS "RAYMOND WAITES DAY" IN ALABAMA.

WHEREAS, Raymond Waites is a native of Alabama and graduated with honors from Auburn University; and

WHEREAS, Creative Vice President and Designer of Gear, Inc., Mr. Waites is one of America's most influential designers in the American "country modern" movement with his "New Country Gear" collections currently exceeding \$250 million in retail sales; and

WHEREAS, Waites has become the first American designer of home fashions to be recognized and widely accepted throughout Japan and Europe; and

WHEREAS, Mr. Waites' work was featured in a recent issue of Better Homes and Gardens Decorating and was the cover story for the August, 1983 issue of House Beautiful; and

WHEREAS, Raymond Waites has scheduled a seminar and lecture at Montgomery's historic Davis Paramount Theatre for the Performing Arts on March 10, 1984, whereupon he will disclose "Gear Kids"—his new collection of children's products; and

WHEREAS, in recognition of the outstanding accomplishments of a native son, it is entirely fitting that Raymond Waites be appropriately honored by the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That March 10, 1984, is hereby designated and shall be observed as "Raymond Waites Day" in the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Waites as a memento of this honorary designation of the Legislature.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 8, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

I am directed by the Senate to notify the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Gaston and Kvalheim:

H. J. R. 9. COMMENDING MR. DAVID D. ROBERTS OF MOBILE, PRESIDENT ELECT OF THE NATIONAL ASSOCIATION OF REALTORS FOR 1984.

WHEREAS, the recent election of Mr. David D. Roberts of Mobile as President Elect of the National Association of Realtors for 1984 is a mark beyond measure of personal achievement; and

WHEREAS, Mr. Roberts, a graduate of Auburn University, is a retired Colonel in the United States Air Force Reserve and, while on active duty

during World War II, was the recipient of such distinguished medals as the Bronze Star and Croix de Guerre; and

WHEREAS, professionally, Mr. Roberts was honored in 1968 as the Alabama Realtor of the Year and in service to his chosen field, is a past president of both the Mobile County Board of Realtors and the Alabama Association of Realtors; in 1979, he served on the national level as Chairman of NAR's Legislative Committee; and

WHEREAS, he further has amassed an enviable record of civic and community involvement such as the past presidency of both the Loop Exchange Club and the National Junior Miss Pageant; he currently is a member of the advisory committee of the Salvation Army and is a past president and current board member of the Mobile County Better Business Bureau; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express highest commendation of the accomplishments of Mr. David D. Roberts, president of Roberts Brothers Realtors of Mobile, Alabama.

BE IT FURTHER RESOLVED, That Mr. Roberts receive a copy of this resolution that he and his family may know of our sincere warm praise and personal regard.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 9, was adopted.

Also:

By Rep. Ford:

H. J. R. 10. MEMORIALIZING GOVERNOR WALLACE TO REACTIVATE THE THIRD ALABAMA VOLUNTEER CAVALRY CORPS AS A UNIT OF ALABAMA'S NATIONAL GUARD.

WHEREAS, there is a great need in Alabama for a reawakening and open and active expression of patriotism and individual responsibility; and

WHEREAS, a very outstanding brigade in the Army of the Confederate States of America was composed largely of Alabamians, who had been originally organized as the Third Alabama Volunteer Cavalry; and

WHEREAS, this brigade under the able leadership of General Joseph Wheeler, showed themselves to be brave men and true patriots and soon became known as "Wheeler's Corps" and as such won undying honor for Alabama; and

WHEREAS, General Wheeler, for whom this Corps was named, was a graduate of West Point who served with distinction as a cavalry officer in the United States Army, both before the War of Secession and again during and after the Spanish American War, as well as an officer in the Army of the Confederate States; and

WHEREAS, after General Wheeler's death, in memorial services held for him, he was declared by Northern and Southern survivors of the War of Secession, to have been the ideal cavalryman of all great wars, and it was then said that "his undying fame will live in history as the greatest cavalry leader of all time"; and

WHEREAS, the bravery, spirit and unflinching loyalty of the men of the Third Alabama Volunteer Cavalry were great factors contributing to General Wheeler's rapid rise on the military scale; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby memorializes the Honorable George C. Wallace, Governor of Alabama, by executive order, to reactivate the historic Third Alabama Volunteer Cavalry, with headquarters in Gadsden, and to designate it "Wheeler's Corps."

BE IT FURTHER RESOLVED, That Governor Wallace is hereby memorialized also to authorize present day members of this glorious unit of Alabama citizen-soldiers to wear the uniform and accoutrements of the Confederate soldiers when drilling, holding ceremonies or representing the unit at social functions.

BE IT RESOLVED ALSO, That since private citizen members of this reactivated Third Volunteer Cavalry Corps will be wearing a regulation uniform formerly used by soldiers of the Confederacy, steadfastly dedicated to and widely acclaimed for their loyalty to the State of Alabama, the Legislature hereby charges all the officers and enlisted men of the reactivated Third Alabama Volunteer Cavalry to bear true allegiance to our State of Alabama, and like the general for whom the Corps is named also bear true allegiance to the United States of America. While dressed in the grey uniform of the Confederate Army, current members of the Wheeler Corps will be representing a noble heritage passed on by those Alabama men, who more than a century ago, fought for their beliefs and traditions as free men. Certainly the sight of the Third Alabama Cavalry, reactivated fully uniformed, will be a visible symbol of loyalty and will inspire the entire community wherever these "soldiers" appear.

BE IT FURTHER RESOLVED, That the reactivated Wheeler Corps, in full regalia, be called upon to perform honorable duties especially at historic functions and such other duties as may be designated by the Governor from time to time.

The Clerk of the House of Representatives is hereby directed to deliver a copy of this resolution to the Governor of the State of Alabama and a copy thereof to the Adjutant General of the State.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Ford to suspend the rules and adopt the resolution, H. J. R. 10, was lost.

The resolution, H. J. R. 10, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Ford:

H. R. 11. MOURNING THE DEATH OF CAPTAIN JAMES A. "BUBBA" DAVIS.

Also:

The following resolutions were introduced:

By Rep. Venable:

H. J. R. 12. CONGRATULATING THE CITY OF WETUMPKA ON THE OCCASION OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY.

WHEREAS, on January 17, 1834, the Senate and House of Representatives of the State of Alabama in General Assembly approved the incorporation of the City of Wetumpka; and

WHEREAS, the Act of Incorporation became official on the second Monday in February, 1834; and

WHEREAS, during the 150 years since that Act of Incorporation, the City of Wetumpka has been a business and civic leader of Alabama, producing many outstanding citizens who have served their state and nation well; and

WHEREAS, The City has a proud heritage, named by its original Indian inhabitants as "Tumbling Waters," indicating its location at the falls on the Coosa River; and

WHEREAS, Wetumpka and its citizens are beginning an exciting and enjoyable Sesquicentennial Celebration, culminating on Labor Day Weekend with a return to their homeland by Indians from Wetumpka, Oklahoma; and

WHEREAS, the future of Wetumpka is a bright one, given its strategic location on the Coosa River in Mid-Alabama, and its innovative and imaginative citizenry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the citizens of the City of Wetumpka are congratulated on the observance of the Sesquicentennial of their city's founding; and

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Citizens of Wetumpka on February 13, 1984.

On motion of Rep. Venable, the rules were suspended and the resolution, H. J. R. 12, was adopted.

Also:

By Rep. Venable:

H. J. R. 13. CREATING A JOINT INTERIM COMMITTEE TO STUDY ALABAMA'S ELECTION LAWS.

WHEREAS, Alabama's election laws contain many conflicting provisions which create confusion on the part of voters, poll workers and officials charged with the responsibility for carrying out elections; and

WHEREAS, election laws should provide qualified voters with an efficient and convenient method of casting ballots while assuring that each vote is fairly counted; and

WHEREAS, recent elections have highlighted some of the deficiencies of Alabama's election laws; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That in order to suggest to State Legislators sound, workable and fair laws for administering Alabama's elections, there is hereby created a Joint Interim Committee on Election Law Study, to be composed of six (6) members of the Legislature—three (3) from the House, to be appointed by the Speaker of the House, and three (3) from the Senate, to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to analyze the present Alabama election laws and to make such recommendations for legislation and consti-

tutional revision which it considers necessary or desirable to enable the election officials of this state to better meet and supply the needs and demands of the citizens of this state.

BE IT FURTHER RESOLVED, That the Committee shall report its findings no later than the fifth legislative day of the 1985 Regular Session. The Secretary of the Senate or Clerk of the House is hereby required to provide such personnel as the Committee shall deem necessary. Each member of the Committee shall be entitled to regular legislative compensation, per diem and travel expenses for each day he or she attends a meeting of the Committee which shall be paid out of funds appropriated to the use of the Legislature, provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of five thousand dollars (\$5,000.00). The Committee shall organize itself at the first meeting and elect from among its membership a Chairman and a Vice-Chairman.

The resolution, H. J. R. 13, was read and referred to the Standing Committee on Rules.

H. 13 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 13, from the Standing Committee on Local Legislation No. 2 to the Standing Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 8. DESIGNATING MARCH 10, 1984, AS "RAYMOND WAITES DAY" IN ALABAMA.

Also:

H. J. R. 12. CONGRATULATING THE CITY OF WETUMPKA ON THE OCCASION OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Goodwin, Smith (J), and Corbett.

McDOWELL LEE,
Secretary.

AGREEMENT FILED

The Agreement between South Alabama Electric Cooperative, Inc., and

the City of Troy, Ala., was received and ordered filed.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 7 heretofore adopted, the House adjourned until 10:00 o'clock a.m. Thursday, February 9, 1984.

SECOND DAY

House of Representatives
Montgomery, Alabama
Thursday, February 9, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Jim Spencer, Pastor, Pineview Baptist Church, Thomasville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 2. NOTIFYING THE GOVERNOR THAT THE LEGISLATURE IS NOW IN SESSION AND IS READY FOR THE TRANSACTION OF BUSINESS.

Also

H. J. R. 8. DESIGNATING MARCH 10, 1984 AS "RAYMOND WAITES DAY" IN ALABAMA.

Also:

H. J. R. 12. CONGRATULATING THE CITY OF WETUMPKA ON THE OCCASION OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J.), the reading at length of the Journal of the House for the first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 14. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 11:00 a.m. on February 9, 1984, for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 14, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Davis, Smith and Blake.

Also:

By Rep. Johnson (Roy):

H. R. 15. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, February 9, 1984, we adjourn to meet again on Tuesday, February 14, 1984, at 4:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 15, was adopted.

Also:

By Rep. Holley:

H. J. R. 16. RECALLING ACT NO. 81-889, S. 32 OF THE FIRST SPECIAL SESSION 1981, PROPOSING A CONSTITUTION AMENDMENT ON BUDGETARY MATTERS AND THE LEGISLATIVE PROCESS, FROM THE SECRETARY OF STATE.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the Secretary of State return to it forthwith for further consideration Act No. 81-889, S. 32 of the First Special Session 1981.

RESOLVED FURTHER, That copies of this resolution shall be sent to the Secretary of State, to the Clerk of the House and to the Secretary of the Senate.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 16, was adopted.

H. 32 RE-REFERRED

No objection being offered the Speaker re-referred the bill, H. 32, from the Standing Committee on Local Government to the Standing Committee on Business and Labor.

BILLS ON SECOND READING

Rep. Rains Chairman of the Standing Committee on Local Legislation No. 1 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to wit:

H. 91. Relating to Coosa County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Coosa County; repealing conflicting laws; providing for a referendum and prescribing the effective date of this act.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Bowling:

H. J. R. 17. CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES OF ALL WELFARE, INCLUDING OLD AGE PENSION PROGRAMS, MEDICAID AND SOCIAL PROGRAMS FUNDED OR ADMIN-

ISTERED BY THE STATE OF ALABAMA, FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFORE INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

WHEREAS, the funding for Alabama's various welfare, including old age pension programs, and social programs, as well as Medicaid, continue to take a larger and larger portion of the funds in our state treasury; and

WHEREAS, the costs of such programs have continued to rise at such an alarming rate that the working men and women in Alabama can hardly support their own families, much less those people who can work but refuse to do so; and

WHEREAS, with welfare fraud and medicaid abuse running rampant nationwide, the State of Alabama has no reason to expect that such abuse does not exist in our own state; and

WHEREAS, it is the intent of the Alabama Legislature that the hard-pressed taxpaying citizens of Alabama no longer be expected to foot the bill for able-bodied individuals who exert themselves only once a month to endorse and cash a check or receive their benefits provided by the responsible hard-working taxpayers of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each respective house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The Committee shall thoroughly study and investigate the programs, policies, regulations and procedures of all welfare, medicaid and social programs, funded or administered by the State of Alabama, for the purpose of reconstructing same in order to both eliminate those able-bodied individuals who are ineligible for benefits and to reduce payments in those cases in which overpayment can be shown.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 15th legislative day of the 1985 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed \$9,000.00 per annum.

The resolution, H. J. R. 17, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Turnham, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn,

Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillian, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

H. J. R. 18. COMMENDING DR. J. MICHAEL SPROTT FOR MERITORIOUS SERVICE WITH AUBURN UNIVERSITY'S EXTENSION PROGRAM.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Dr. J. Michael Sprott for meritorious service with the Auburn Cooperative Extension Service from September 1, 1975 to December 31, 1983, and for the past three years as Dean and Director of the program; and

WHEREAS, during his distinguished tenure, Dr. Sprott proved invaluable to the many programs of the Extension Service, working tirelessly at all times and in total dedication to the awesome responsibilities of his positions; and

WHEREAS, among the many major indicators of the Service's progress under Dr. Sprott are the establishment of competency standards for county and specialist staff and the development of uniform standards for county and specialist staffing patterns; and

WHEREAS, Dr. Sprott also is to be cited for his significant leadership role in working with the Alabama 4-H Foundation in the construction of the Alabama 4-H Youth Development Center in Shelby County, and for his involvement of local people in planning Extension programs through county Extension Councils which are active in all 67 counties with membership exceeding 15,000; and

WHEREAS, Dr. Michael Sprott has indeed earned the respect, admiration and trust of all citizens of this state for his commitment to and support of the agricultural industry in Alabama; his awards and honors which attest to said commitment are numerous, and include such distinctions as Progressive Farmer's 1979 Man of the Year in Service to Alabama Agriculture; and

WHEREAS, Dr. Sprott's professional affiliations also are quite lengthy and his creditability is even further strengthened through authorship of some twenty or more technical and Extension-oriented publications; he additionally is widely known for his involvement in leadership, advisory and consultant capacities on both regional and national levels; and

WHEREAS, a native of Lansing, Michigan, Dr. Sprott holds the B.S. and M.S. degrees from the University of Arkansas and acquired his Ph.D. from Texas A & M University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly praise and commend Dr. J. Michael Sprott for outstanding achievement and express our deepest gratitude for his contributions to the Agricultural Industry in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Dr. Sprott in small token of our utmost regard.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 18, was adopted.

Also:

By Rep. Turnham:

H. J. R. 19. MOURNING THE DEATH OF MR. E. L. STEWART OF TALLADEGA, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Mr. E. L. Stewart of Talladega, Alabama, on December 26, 1983; and

WHEREAS, a native of Randolph County, Mr. Stewart earned the B.S. and M.S. degrees in agriculture from Auburn University and taught vocational agriculture for 11 years at Chambers County High School; and

WHEREAS, he joined the Alabama Cooperative Extension Service in 1944, beginning his career in Macon County as Assistant County Agent; he transferred to Chambers in 1946 and was promoted subsequently to the position of County Extension Chairman, serving in said capacity until his retirement in June 1973; and

WHEREAS, Mr. Stewart, a resident of Talladega since 1974, is survived by his beloved wife, Mrs. Lucile Stewart, by two daughters, a son and other family members, whose grief we truly share and to whom we extend our very deepest sympathy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. E. L. Stewart of Talladega and direct that a copy of this resolution be forwarded to his family that they may know of our concern for them in their time of such deep sorrow.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 19, was adopted.

Also:

By Rep. Laird:

H. J. R. 20. REQUESTING THE GOVERNOR TO PROCLAIM THE WEEK OF MAY 7, 1984, AS ALABAMA SMALL BUSINESS WEEK.

WHEREAS, the President of the United States of America, by proclamation, designated the week of May 8 through May 14, 1983, as Small Business Week, in special tribute to the outstanding contributions of the small businesswomen and businessmen of this nation, with the official theme "There's No Business Like Small Business"; and

WHEREAS, there are more than 14 million small businesses, as defined by the Small Business Administration, in the United States, and many of these small businesses are in Alabama, employing approximately 790,000 Alabamians; and

WHEREAS, statistics of the federal government indicate that these small businesses account for 38 percent of the gross national product of the United States, create two out of every three new jobs, and produce two and one-half times as many innovations per employee as large firms; and

WHEREAS, the entrepreneurship and productivity of small businesswomen and businessmen constitute the vital core of the American free enterprise system; and

WHEREAS, the economic health of Alabama depends, in large measure, on the prospects of the state's small businesses; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and salute small business throughout the nation, most particularly those in Alabama, and the vitality of their free enterprise philosophy.

BE IT FURTHER RESOLVED, That we hereby request that the Governor proclaim the week of May 7, 1984, through May 15, 1984, inclusive, as Alabama Small Business Week, in special recognition of the contributions which small businesswomen and businessmen have made, and will continue to make, to our state.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the Governor.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 20, was adopted.

Also:

By Reps. Laird, Rice and Richardson:

H. J. R. 21. URGING THE REVENUE DEPARTMENT TO ACCEPT PERSONAL CHECKS FOR ISSUING CERTAIN LICENSES.

WHEREAS, it has come to the attention of the Legislature of Alabama that the Department of Revenue requires that persons applying for motor vehicle licenses for interstate or intra-state truck travel must remit the fees with either a certified check or cash; and

WHEREAS, the cost of these licenses at times exceeds eight hundred dollars; and

WHEREAS it is extremely inconvenient and dangerous to carry around these vast amounts of currency; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge that the Department of Revenue, upon presentation of proper identification, accept personal checks from applicants purchasing motor vehicle licenses for interstate or intra-state trucks.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Commissioner of the Department of Revenue that he may know of our wishes in this regard.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 21, was adopted.

Also:

By Rep. Laird:

H. J. R. 22. CREATING A BUSINESS AND LABOR POLICY GROUP TO STUDY VARIOUS ASPECTS AFFECTING SMALL BUSINESSES.

WHEREAS, the Alabama Legislature hereby finds and declares:

- (1) That the essence of the American economic system is free competition;
- (2) That only through full and free competition can free markets, free

entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured;

(3) That small business stands as a symbol of American character and spirit which includes the traits of individual initiative, self-reliance and creativity; and

(4) That small business has been a major positive factor in the political, economic and social development of the state; and

(5) That the future welfare of the state depends on the continued development of small business; and

(6) That the opportunity for all people to participate in a manner and method of their own choosing has been a hallmark of our free enterprise system; and

(7) That the people of the State of Alabama must be assured of the opportunity and right to participate in our system of free enterprise; and

(8) That it is the sense of the people of Alabama that private enterprise and small business entrepreneurship are essential to the preservation of individual liberty and freedom for all our citizens; and

(9) That all citizens of the State of Alabama have the right to live in an economically diverse society; and

(10) That all citizens of the State of Alabama have the right to own and manage their own business; and

(11) That all citizens of the State of Alabama have an equal entrepreneurial opportunity to participate in our free enterprise system regardless of race, creed and sex; and

(12) That it shall be the declared policy of the people and the legislature of the State of Alabama to preserve, protect and foster the creation, development and growth of small business in the state; and

(13) That it shall be the policy of the legislature that all agencies, departments, bureaus and instrumentalities of the state government shall take all possible measures to preserve these rights and aggressively foster small business opportunity; and

(14) That the best method of furthering such legislative policies is through the establishment of a permanent state commission for small business development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a permanent business and labor policy group to study various aspects affecting management and labor. It shall be the duty of this task force to promote the development of legislation affecting small business regulatory matters including but not limited to: taxation, licensing, loan programs, unemployment, workmen's compensation, co-employee's liability, simplification of government rules and regulations, technical assistance and assistance in industrial development for both incorporated and unincorporated small businesses. Members of the task force shall include the President of the Alabama Labor Council, the Director of the Alabama Chamber of Commerce, and four members from the business and labor communities to be appointed for terms of four years by the Governor. In addition, the Speaker of the House of Representatives shall appoint two members from the House and the Lieutenant Governor shall appoint two members from the Senate.

The chairman of the Joint Legislative Committee on Small Business shall serve as chairman of the task force. Members shall serve without compensation but may be reimbursed for travel and other necessary expenses from the state general fund.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Laird to suspend the rules and adopt the resolution, H. J. R. 22, was lost.

The resolution, H. J. R. 22, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 14. COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO THE JOINT SESSION.

And the President Pro Tempore of the Senate appointed as members on part of the Senate Senators Langford, Menton, and Barron.

MCDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolution was introduced:

By Reps. Drake, Clark (J), Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillian, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

H. J. R. 23. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE IRA DRAYTON PRUITT OF LIVINGSTON, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Mr. Ira Drayton Pruitt of Livingston, Alabama, on February 6, 1984, at the age of 79 years; and

WHEREAS, a native of Pine Hill, Alabama, where he was educated in the public schools, Mr. Pruitt also attended Marion Military Institute and the University of Alabama, receiving a bachelor of law degree from the University in 1934, whereupon he entered the private practice of law in Livingston and, at the time of his death, was in law partnership with his son, Drayton Pruitt, a renowned jurist; and

WHEREAS, Mr. Pruitt, who was a former Circuit Solicitor of the 17th Judicial Circuit from 1940 to 1944, and a member of the Livingston Town Council from 1936 to 1951, was elected to the Alabama House of Representatives in 1944; he subsequently was re-elected to seven consecutive terms for a total of 30 years, representing the constituents of Alabama's Twenty-seventh House District from Sumter, Marengo and Perry Counties; and

WHEREAS, Representative Pruitt was unquestionably a man of outstanding accomplishment; not only was he a distinguished jurist, but an exemplary public servant to whom the State of Alabama is profoundly indebted; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn, we give thanks for the life of Ira Drayton Pruitt of Livingston, Alabama, a true statesman and a distinguished Alabamian.

BE IT FURTHER RESOLVED, That in expression of sincere and deepest sympathy, copies of this resolution shall be sent to Mr. Pruitt's beloved wife, Mrs. Elise C. Pruitt; to their son, Ira Drayton Pruitt, Jr., and to other family members whose grief and sorrow we truly share.

On motion of Rep. Drake, the rules were suspended and the resolution, H. J. R. 23, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Melton:

H. R. 24. MOURNING THE DEATH OF MR. FRED BAKER OF TUSCALOOSA, ALABAMA.

Also:

By Rep. Flowers:

H. R. 25. COMMENDING MR. AND MRS. T. A. PARNELL OF TROY, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 26. COMMENDING MR. AND MRS. CARROLL JONES OF TROY, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Reps. Grouby, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillian, McNair, Marietta,

Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghyby:

H. J. R. 27. NAMING THE BRIDGE ACROSS LITTLE MULBERRY CREEK ON HIGHWAY 14 AT STATESVILLE, AUTAUGA COUNTY, ALABAMA, THE "BILL NICHOLS BRIDGE."

WHEREAS, though a native of Mississippi, U. S. Congressman Bill Nichols has been a resident of Sylacauga, Alabama, since infancy and is a graduate of Sylacauga High School; and

WHEREAS, as a student at Auburn University where he excelled both academically and athletically, Congressman Nichols earned a football scholarship, lettering for three years, and captained the 1940 team; he was extended membership in three honorary fraternities—Blue Key, Gamma Sigma Delta and Scabbard and Blade—and earned the B. S. and Master's degrees in 1939 and 1940, respectively; and

WHEREAS, Congressman Nichols declined a pro football contract to accept instead a position as the assistant county farm agent in Autauga County, but his planned career in agriculture, in keeping with his academic background, was interrupted by World War II; and

WHEREAS, in 1947, retired with the rank of captain and the recipient of the Bronze Star and the Purple Heart for distinguished service in combat, Bill Nichols returned to Sylacauga to enter private business and to become highly successful as a corporate executive; and

WHEREAS, Congressman Nichols, prior to his 1966 election to the U. S. House of Representatives, served in both the House and the Senate of the Alabama Legislature where he earned the respect of his colleagues and constituents and was named by the Capitol Press Corps as "The most outstanding member of the Alabama Senate" in 1965; and

WHEREAS, during his first term in Washington, Congressman Nichols served on the House Agriculture Committee but, in 1968, he petitioned and received a seat on the House Armed Services Committee and has risen to a leadership position on the prestigious committee; and

WHEREAS, from the 90th Congress to the present 98th Congress, Bill Nichols' contributions to his district, state and nation have distinguished him as a true patriot and a leader among men; he has kept faith with the citizens of Alabama and, in appreciation, it is their desire that he be recognized for such extraordinary accomplishment on their behalf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute and in deep gratitude, we hereby name and designate the bridge across Little Mulberry Creek on Highway 14 at Statesville, Autauga County, Alabama, the "Bill Nichols Bridge."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said bridge as the "Bill Nichols Bridge."

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Congressman Nichols as a memento of this honorary designation of the Alabama Legislature.

On motion of Rep. Grouby, the rules were suspended and the resolution, H. J. R. 27, was adopted.

Also:

By Rep. Richardson:

H. J. R. 28. COMMENDING PISGAH HIGH SCHOOL'S CHAMPIONSHIP FOOTBALL TEAM.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the 1983 Pisgah High School Eagles on their outstanding football season and the Jackson County Championship; and

WHEREAS, scoring a phenomenal 381 total points in '83 and averaging 280 offensive yards per game, the Eagles posted a perfect 10-0 season record while allowing only two touchdowns to be scored against them all season long; and

WHEREAS, Head Coach Dale Pruitt, who directed the Eagles to their championship, was assisted by Coaches Bill Beard, Dwight Griffith and Keith Williams; and

WHEREAS, the Pisgah High School football team also enjoyed the support and encouragement of the faculty, students, parents and other fans within the community who enthusiastically cheered the Eagles to victory in each and every game; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Pisgah High School Eagles on their outstanding 1983 football season and the Jackson County Championship.

BE IT FURTHER RESOLVED, That in token of highest praise, a copy of this resolution shall be forwarded to Coach Dale Pruitt, on behalf of his staff and the entire team, with a copy also provided for appropriate school display.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 28, was adopted.

Also:

By Rep. Richardson:

H. J. R. 29. COMMENDING THE CITIZENS OF STEVENSON, ALABAMA, ON THE RESTORATION AND PRESERVATION OF THE STEVENSON RAILROAD DEPOT MUSEUM.

WHEREAS, the first railroad Depot in Stevenson, Alabama, built in the early 1850's, was burned at the outset of the War Between the States; the Union Army's occupation forces built a small supply depot on the site which was used throughout the war; and

WHEREAS, the third depot to occupy the same site was built in 1872 serving as a freight and passenger depot until passenger service was phased-out and the freight agency closed in 1976; and

WHEREAS, faced with the planned destruction of the depot, the Stevenson Bicentennial Committee initiated fund-raising efforts to save the building for community use and was ultimately successful in both acquiring the necessary funds and in achieving placement of the building on the Na-

tional Register of Historic Places by the U. S. Department of the Interior; and

WHEREAS, the depot, rennovated in 1981, opened as a museum in June 1982 during a community-wide festival which is now an annual affair called "Stevenson Downtown Depot Days"; the Depot Museum is operated by the Stevenson Historical Society and supported primarily through donations, by income from "The Stevenson Story" by Eliza Mae Woodall and from annual dues of Friends of the Depot organization; and

WHEREAS, since its opening, the Stevenson Depot Museum has had some 5,000 visitors from 30 states and ten foreign nations; it has been featured in Southern Living and Area magazines, in numerous newspaper articles and on television, bringing much fame to both the Stevenson area and the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend both the citizens and the Historical Society of Stevenson, Alabama, for the success of their efforts in the restoration and preservation of the community's historic depot as the Stevenson Depot Museum.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Society in praise and commendation of such outstanding accomplishment.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 29, was adopted.

Also:

By Reps. Bryant and Cosby:

H. J. R. 30. DESIGNATING THE BELOIT COMMUNITY AS THE RECYCLE CAPITAL OF ALABAMA.

WHEREAS, the Beloit Community Organization, Inc., first founded some ten years ago as a ladies organization known as the "Help Self-Help Others Club," continues a number of worthwhile projects begun by its parent group, most particularly that of recycling on an organized and regular basis; and

WHEREAS, this original project has grown and extended into a number of areas which now include the conversion of throw-away items into useful articles which are in turn sold as a fund raising project; and

WHEREAS, during the past seven years, the club membership, which now includes men as well as women, has recycled tons of copper, scrap iron, paper, aluminum and glass, and has made from scraps hundreds of items for sale including quilts, pillows, aprons and egg carton baskets; and

WHEREAS, the club also sponsors a successful Recycle Day, a joint community-county Clean-up Week and a Clean-up or Recycle Month; both collection and storage sites have been established to more efficiently work toward the organization's goal of a cleaner and more beautiful county and in keeping with the theme "Waste Not Want Not"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation of the leadership efforts and achievement of the Beloit Community Organiza-

tion, Inc., in the area of recycling, we hereby name and designate the Community of Beloit as the Recycle Capital of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Finis Harris, president, on behalf of the Club's membership and in testimony to this honorary designation of the Alabama Legislature.

On motion of Rep. Bryant, the rules were suspended and the resolution, H. J. R. 30, was adopted.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 31. MOURNING THE DEATH OF MR. OLAF A. SYLTIE OF MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature notes with deep sorrow and regret the recent death of Mr. Olaf A. Syltie of Mobile, Alabama; and

WHEREAS, Mr. Syltie, who was a retired Lieutenant Colonel, United States Army Reserve, was a veteran of both World War II and the Korean Conflict; he was a graduate of Morehead State University in Kentucky with the B. S. degree, and of the University of Southern Mississippi where he earned a Master's degree; and

WHEREAS, Mr. Syltie worked for the public schools in Mobile County for 21 years and for 2 years, following retirement, as coordinator of Alabama Christian College in Mobile; his active educational career included service as assistant principal of Clark Middle School and Theodore High School, principal of Baker and Vigor High Schools, and supervisor of the Mobile Public School Systems's warehouse; and

WHEREAS, in civic and community involvement, Mr. Syltie was a member of Saint Paul's Lutheran Church, member of the board of directors of the Mobile Epilepsy Chapter and a trustee of Mobile Infirmary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Olaf A. Syltie of Mobile, Alabama, and extend our very deepest sympathy to his wife, Mrs. Lena Middlebrook Syltie, daughter Ann Pierce and sons David and Dwayne Syltie to whom a copy of this resolution shall be sent in expression of our deep sorrow in their loss.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 31, was adopted.

JOINT SESSION

The hour of 11:00 o'clock a.m., having arrived, the Senate and House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives, in accordance with House Joint Resolution 14 heretofore adopted, for the purpose of hearing an address by the Honorable George C. Wallace, Jr., Governor of the State of Alabama.

The joint session was called to order by Honorable John A. Teague, President Pro Tempore and Presiding Officer of the Senate.

Thereupon, Honorable George C. Wallace, Jr. Governor of the State of Alabama, delivered the following address to the Members of the Legislature of Alabama.

STATE OF THE STATE ADDRESS
BY
GOVERNOR GEORGE C. WALLACE
BEFORE
THE 1984 REGULAR SESSION OF
THE ALABAMA LEGISLATURE
FEBRUARY 9, 1984

Honorable John A. Teague (presiding),

Speaker Drake, Ladies and Gentlemen of the Legislature, My Fellow Citizens:

I come before you today as we begin the 1984 Regular Session to recount some of the past, examine our present, and discuss our thoughts of where we need to go in the future.

I can say today that Alabama has made good progress since I reported to you in January 1983. The state of the State of Alabama today is such that we can see light shining at the end of the economic tunnel. There are smiles back on many faces, and there is reason to believe that with continued hard work, prayer, and blessings from our Lord Almighty, we will soon again be leading our region in economic development. We have a wonderful state and great people. With continued commitment on the part of our leaders in government, business, labor and industry to work together, our recovery from the economic depression which hit Alabama will continue to be swift and sure.

Ladies and Gentlemen, last year our goal was survival, last January marked the third time that I had taken the reins of state government. Without a doubt, we were in the most deplorable economic state of affairs within state government that I have ever known or seen.

For starters:

1. The General Fund was in 15 percent proration with income running about 70 percent of the budget.
2. The Education Fund was in 10 percent proration.
3. We owed the federal government five million dollars on Hurricane Frederick.
4. We owed one hundred and nine million dollars because of misspent Revenue Sharing monies and federal funds.
5. We had just gone broke in the Unemployment Compensation Fund and had to borrow fifty-four million dollars from the federal government which would cost us heavily in interest.
6. Medicaid was funded largely on one-time money.
7. Bills owed by the State were not paid and behind for several weeks.
8. We faced a very real possibility of not being able to meet the first two payrolls.
9. We were in a heck of a mess!

Thanks to a lot of hard work, we are much better today. Through good fiscal management by the Finance Director, Department Heads and others, we have met payrolls, paid the State's bills, paid off much of the indebtedness, worked with our federal officials to get a forgiveness concession on the Revenue Sharing, and a payment plan on the hurricane disaster debt.

With the help of many of you here, we passed unemployment compen-

sation legislation which enabled us to pay back the fifty-four million dollar loan without any interest being assessed. That same legislation raised our benefit level to the Southeastern average when we had been on the very bottom.

Through a decline in unemployment, sound fiscal management and more confidence from our private sector, the growth in our Educational Trust Fund was phenomenal last year. Before the end of Fiscal Year 1982-83 last September, we were able to return all funds held back by proration to our school systems. No school system or school lost a dime because of proration in 1982-83.

Today, instead of being in proration, we have a working balance—real and projected—of three hundred and eight million dollars in the Special Educational Trust Fund. It is quite a turnaround to come from one hundred and forty million dollars down to a three hundred and eight million dollar advantage. This could not have been possible without your help and also with the help of our professional administrators in education, our teachers, and most of all the hard work and productivity of our working men and women in Alabama.

Our General Fund is in trouble! We cannot fund the agencies who live out of the General Fund to an acceptable level. The federal government continues to shift more and more of the funding burden to the states as they wrestle with the federal deficit. We are faced with curtailing or severely limiting some services or increasing funding. Medicaid costs have been held more in line than ever before, but if we are to continue this vital program to our elderly and disabled, we must provide additional revenue.

The state troopers have been forced into selective patrolling for some time. Last year when in proration, each trooper could only patrol a very few miles each day. We must increase funding to the state troopers if we are to ensure a reasonable degree of safety on our highways. We need additional troopers, vehicles, and operational resources.

Our state parks are in bad need of essential maintenance. If we do not make certain repairs, we will be facing greater costs in a very short time. We are blessed with an outstanding parks system which serves to attract many visitors and to keep many Alabamians vacationing in the State. We have simply got to take appropriate care of these parks.

Court operations are essential to the State and need additional resources.

The Revenue Department under Commissioner Jim White is doing an outstanding job. As we increase the collection responsibilities, the need for additional personnel is certainly understandable.

I will also be offering to you a recommendation for state employee compensation. Employees must be adequately compensated to assure that we attract and keep competent and dedicated employees. In line with compensation, we are also suggesting changes in the Retirement Systems.

I want to emphasize and underscore that our recommendations will not affect the benefits of any present employees or those employed prior to the date specified in the legislation. Today, the Retirement Systems are sound, but the State contributes millions of dollars each year to these systems. Public retirement systems have run into disastrous troubles in other states and cities. We must not allow that to happen in Alabama. Current state employees, teachers, judges and troopers should understand that the recom-

mentations that we are offering are necessary to preserve and ensure that their retirement is protected and that the Systems will not be in jeopardy during their retirement years.

The time to correct a problem is before it gets to be a crisis. We cannot continue to offer a retirement that in many cases rewards employees above their working salaries. I trust that each employee group will recognize our effort is designed toward future employees as to the level of benefits. I re-emphasize that current employees will not be affected in regards to benefits.

We are asking that all current employees increase by one percent the amount they contribute to their retirement. As we adjust compensation, this should be painless to all and fair to employees and taxpayers.

MENTAL HEALTH

Mental Health is underfunded by some seven to ten million dollars. We have space in some facilities for patients which cannot be used because the Department cannot pay for additional personnel. We must raise better than seven million dollars for Mental Health, and I am proposing legislation to do just that by equalizing the 2.2 percent utility license tax which is currently paid by every customer of Alabama Power Company, every rural co-op customer whether served by TVA, co-op power or Alabama Power. Some ten percent of the customers do not pay this tax because they are served by a city system. If some are going to pay as the ninety percent do, then it is only fair that all pay this tax. This revenue is already earmarked for Mental Health.

PRISONS

I appreciate the work that you did in the past sessions to bring about an upgrading of our prison system and to solve some of the problems that we faced there. We have opened the West Jefferson facility and moved toward building the new prison in Southeast Alabama. Overcrowding is down, but we are still gaining better than 156 prisoners per month.

One would have to look long and hard to find a state that has done as much as we have in the past year—and for that matter for the past six years—to upgrade a prison system and meet standards set by a federal court. I appreciate your help and the help of the people of Alabama.

Today, I ask the federal courts to recognize that progress. I ask them also to help us as we continue to meet with this problem. The Federal 11th Circuit Court action last week was encouraging as they stayed the contempt citation against state officials and stayed any release. Hopefully this action will soon be made permanent.

The Federal District Court contempt citation against the Attorney General and the Prison Commissioner was utterly ridiculous! On the one hand, the judge told the Prison Commissioner that you are doing a great job, but then later said, "I'm going to fine you anyhow because I need to show the Appellate Courts that I will fine somebody." The Federal judge is the one who should have been fined! This knee jerk action has cost our taxpayers over a half million dollars to date.

The space requirement of sixty square feet per prisoner is also ridiculous as ordered by the Court. We can meet the requirement in new facilities, but we cannot tear down the walls of the existing prisons built prior to the date of that court order.

Personally, I do not see anything wrong with prisoners sleeping two to a

cell. They should only be in the cells to sleep anyway. They should be working during the daytime hours and when they are not sleeping. They are not in the penitentiary for misbehaving in church. They are there for punishment and corrective training because of misdeeds against society. Many of our college students bunk two and three to a dormitory room. Many of our families are forced to live as two families in the same house or apartment. Also, many of us victims do not have sixty square feet. I have the space in which I can reach whether in this chair or lying in bed. The fellow who shot me has more square feet in which to live than I do even though he is in the penitentiary.

We will continue to improve our prisons. It is time for the federal courts to help us and not hurt us in this effort!

Judge, I must tell you, Alabama through two Governors and several legislatures have sacrificed and sacrificed to upgrade the conditions of our prisons since the original court order. You still hold the threat of the mass release of prisoners over us.

Well, Judge, there will not be any mass release of prisoners in Alabama again. If you are going to turn any loose—scot-free, it is only fair to warn you that you will have to come and get them! You will have to take them from this governor and I believe this legislature as well.

We are asking you for additional funding for prisons in the amount of fourteen million dollars. The opening of new facilities will demand staffing and operational funds.

JOBS

Alabama has a good business climate as evidenced by a Dunn and Bradstreet recent report showing Alabama with more business starts last year than any other state in the Nation. We had a good and successful year in the recruitment of new industries. Our state and our respective communities gained sixty-nine new industries during 1983. These industries will add over 5,000 jobs. We also had the expansion of 808 plants in Alabama with an increase of 17,000 jobs through those expansions. Every county had a new or expanding industry in 1983. I appreciate those who have worked at the Alabama Development Office, the local Industrial Development Boards, the local Chambers of Commerce, and others to recruit new industry into Alabama. We are especially appreciative and grateful to those who have decided to invest their resources in the State. We feel that you have made a wise investment in a state that has a good business climate and a state that will continue to improve that business climate.

We will intensify our efforts in the recruitment of industry and business both in the domestic and foreign markets. In 1984, Alabama and the city of Birmingham will host the Southeast United States/Japan Association meeting in Birmingham. Several of our foreign friends in business and industry will be visiting among us. We look at this as an opportunity for Alabama, and we will continue to work in those overseas markets to attract investment for new jobs and to help offset the balance of trade deficit which faces this nation and threatens us economically.

Since our trip overseas last year, we have announced a new television manufacturing plant expansion and a new microwave oven plant from Korea, a Mitsubishi plant to be built in the State of Alabama, and a soybean sale to the Republic of China in Taiwan. As I have stated, we will intensify those efforts again this year with missions by some of our top officials to foreign markets.

Unemployment is down. It has been reduced by about four percentage points. It is still around the 12 percent mark, and that is too high. It is way too high, and we will continue our jobs development efforts to lower unemployment into the single digit level in order that every Alabamian will have an opportunity to get a meaningful job.

I would like to commend the University of Alabama and General Motors for the working arrangement between the two of them that saved the Rochester Carburetor Plant in Tuscaloosa. Through the efforts of the University of Alabama in business and industrial research, General Motors increased productivity in the plant and saved that industry for Alabama workers. This effort has received national acclaim and will accrue many benefits to the State. We must continue our efforts with our universities and schools working closely with industry.

Alabama was hard hit by the trouble to the heavy metals industries in the United States. Thousands of steel and aluminum workers were laid off in recent years.

In Birmingham, 28,000 steel workers lost jobs. We cannot expect to regain all of these jobs, but the recent actions of U. S. Steel and the United Steel Workers Union were most encouraging. I was pleased to have personally been able to perform a role—successfully—in getting the Union and company to agree to a condition which is bringing about a large investment from U. S. Steel and will return 3,500 workers to their jobs. Hopefully, the investment by U. S. Steel will lead to expanded operations by that company and more jobs in the future. This was a classic example of industry, labor, and government working together to improve a state's economy.

EDUCATION

Education is expensive. Ignorance is much, much more expensive and eternally wasteful when the God-given abilities of our people are left underdeveloped for the lack of opportunity.

Alabama has made strides in the education progress, but the competition is fierce. Industries and businesses locate where educational opportunities exist. We have heard much about the emphasis on education in other countries. We are not only in competition with foreign countries as far as educational development, but inasmuch as industry and business seek out those areas where educational opportunities exist, we are in a heavily contested battle with our neighboring states. The quality of education will make or break Alabama in industrial development. If Alabama is to have a chance to live on par with our neighbors in the late 20th Century and the 21st Century, we must rededicate ourselves to a commitment of progress and excellence in education. There must be a war declared—not just on illiteracy—but also a major war against mediocrity in education.

The thrust of our new efforts in education must always be directed toward increasing the benefits to the students. Productivity through student excellence will bring tremendous rewards to the professionals in education.

At the same time, those of use who do not work day to day in the field of education must realize that the improvements that we seek to make will be made only through the dedicated efforts of those who work to administer and teach in education.

By a vast majority we have good teachers. In the case of my own children, those who cared for them the most and worked with them more than anyone outside the immediate family were their school teachers.

It is a sad commentary that as we are assembled very few of us here would today encourage a child of ours to pursue a career in public education.

We must set professional standards for our teachers and administrators and demand that those standards be met, and demand that those who do not meet them be gone! Teachers who teach and work with their students must be rewarded in line with their important station in our society. Those who do not know what or how to teach and work with students must be told to find a place or a job in which they can work.

Any law which serves to limit the advancement of the competent and the hard working and to protect the incompetent, the mediocre and the unwilling is nothing short of criminal, especially when we are dealing with the training of the minds of our precious youth!

I am asking the State Board of Education and each local board of education to adopt and implement teacher evaluation programs in all of our school systems. This program must identify the desired teacher skills and measure the degree to which those skills are performed. Criteria for improvement of any affected performance must be established with improved performance made a condition to continued employment. I strongly encourage our State Board of Education to study and upgrade teacher intern programs, certification requirements and entrance requirements and standards of our schools of education.

The State Superintendent should proceed to appoint a special task force to study and recommend changes to the State's Tenure Law if needed. I agree that teachers must be protected, but the need for protection must be balanced against the needs of students!

TEACHERS' SALARIES

If we are to demand and expect excellent teachers, we must be willing to pay a decent salary. In my budget recommendations, I am suggesting increases for elementary and secondary school teachers. To some of our teachers these increases will be viewed as small, to some of our public these increases will appear too large. We must be mindful that there was no increase last year. When inflation over the last two years is factored into this raise, the real increase will be a meaningful gain but in line with the State's ability to pay.

The fact is, ladies and gentlemen, that we are approaching a real shortage of teachers in Alabama. Last year we had very few math, physics, and chemistry majors certified to teach through our colleges of education. The demands for these disciplines in the business and industry sector are encouraging students to bypass the necessary training for teacher education courses.

We are also recommending an incentive and bonus program for which our teachers may compete. These will be monetary rewards for outstanding performance and available to all who have the initiative to pursue them.

We are asking for one million dollars in math and science scholarship funds. These scholarships will be awarded to outstanding students who commit to teach for a specified number of years to repay their scholarship.

Also recommended in our budgets are increases for additional research in our universities, increases to the post-secondary system and badly needed transportation funds to replace worn out school buses. We are also recommending increases in the textbook program and burned out school funds to

assist our local communities and to ensure that the students have the necessary tools with which to work.

KINDERGARTENS

The time has come for the State of Alabama to stop talking about kindergartens and make kindergartens available to every five year old child in this state. My budget recommendation provides funding for a statewide kindergarten program. I encourage you to leave the attendance requirement optional. We have many fine church and private kindergarten programs ongoing in the State. We can evaluate the performance of these programs and compare them with the performance of the public system. The private kindergartens are serving to keep much of the financial burden off the State. I commend those who are running these programs and encourage them to continue.

DR. TEAGUE'S AND STATE BOARD'S PLAN FOR EXCELLENCE—THE ALABAMA PLAN

I commend our state superintendent, Dr. Wayne Teague, and the State Board of Education for coming forth with the Plan for Excellence for Alabama's public schools. I know that Dr. Teague and members of his staff have been over the length and breadth of Alabama, explaining this plan to parents and educators in the various communities. The outpouring of interest in this plan underscores the public awareness and the public demand for excellence in our schools in the State of Alabama.

I endorse the Plan for Excellence, which Dr. Teague and the Board have asked me to call the Alabama Plan. I have asked Dr. Teague to convene a meeting of the State Board of Education this afternoon which I will attend, and we will consider resolutions to adopt points in the Alabama Plan which can be implemented through action by the State Board of Education. I will encourage those of you in the Legislature to consider the legislation which is required to implement the Plan in those areas which require legislation.

One of the most common questions asked of me in regards to this plan has been the mistaken impression that the Plan would do away with interscholastic athletics in our schools. I can assure you that that is not the case. Alabama's public schools enjoy an excellent athletic program. I have talked with Dr. Teague, and he agrees with me that what we are seeking is common sense and logic in the scheduling of athletic events during the school week, on the junior high level, and for that matter any level, we should not consider scheduling more than one athletic event during a week that would occur on a night preceding a school day. This would allow for a continued basketball program in our high schools and other athletic events which are important to the boys and girls in Alabama. Athletics serve as a cohesive force for many of our communities. They serve as a motivator for many of our students and actually entice many of our students to remain in school who otherwise might drop out.

I feel that we can continue to keep our fine system of championship playoffs in the State of Alabama, and would encourage the State Board to do so. Again, we must use common sense in our scheduling. Schools do not have to travel two and three hundred miles to play an athletic contest.

Some of the resolutions we will be asking the State Board to adopt to implement the Alabama Plan are as follows:

1. To require all teachers to include homework as a part of each stu-

dent's instructional program.

2. We need parent-teacher conferences for all students.
3. We need better guidance programs.
4. We must provide remediation for all students who are failing to learn.
5. Require that all social promotions be discontinued.
6. Require the basics for instruction in grades K-8 be broadened to include language arts, computer literacy, art, music and physical education.
7. We must establish specific learning goals for each grade level.
8. Require the awarding of a general and honors program diploma for students completing specified curriculum of study.
9. We must insist that required courses to obtain an honors diploma be made available to every student.
10. Require that kindergarten be made available to all five year olds.
11. Require that each school system provide adequate adult education programs.
12. We must see that teacher training programs be strengthened.
13. We must make needed changes in our teacher certification programs, allowing for some flexibility.
14. Develop an effective educator evaluation program. Let me assure you that the people affected by the evaluation will be involved in the development of the program.
15. Improve our existing math and science teacher scholarship program.
16. Require in-service and professional development programs for school personnel.
17. Require that students receive a full six hours of instruction per day.
18. We must preserve our outstanding fine arts, band, choral and debate programs. This can be done through proper planning.
19. We will ask every local school system to develop its own plan of excellence.
20. Finally, we must strengthen our curriculum requirements for all students in all program areas. The Alabama Plan provides for this in a very adequate way.

In order to fully implement the Alabama Plan, I am asking that you pass legislation establishing the Alabama Education Reform Commission. The Commission will be composed of representatives of business, industry, labor, education and citizens interested in seeing Alabama become a leader in quality education. It will be charged to study and develop reforms in teacher compensation and professional standards for teachers and administrators.

HIGHWAY PROGRAM

With the enactment of federal legislation last year, Alabamians commenced paying to the Federal Government an additional five cents per gallon on every gallon of gasoline they buy. These funds are set aside for repair

and maintenance of the federal road system throughout the country. Each state must match those funds with certain revenue. Over the next five years 1.4 billion dollars will be available to the State of Alabama to improve the federal roads and bridges in the State. To take advantage of this 1.4 billion dollars, the State of Alabama must match it with 200 million dollars. The Joint Legislative Committee on Highways has recommended a way in which the State would collect the revenue that would enable it to meet its matching requirements on a pay-as-you-go basis. I am going to recommend to you that you implement those recommendations in the Committee's report.

The economics of a 1.6 billion dollar highway program with 1.4 billion dollars being furnished by the federal government are obvious. If we do not use the federal monies paid in by Alabamians, they will be available to other states who do match them, and those funds would not come to Alabama.

By taking advantage of federal funding for the U. S. and interstate roads in Alabama, we will have more state funds available to maintain and upgrade our state and county road network. We are coming through a hard winter with heavy freeze damage to many of our roads. I urge that you move with haste to enact this needed highway legislation. Not only is it needed for our roads, but many jobs will be created through the state and federal road program.

Alabama's government will be as good as her people want and demand it to be in the future. We have all read and heard the calls from leaders in business, local governments, education, leadership groups in communities, the media, and others for improvements in development, research, and education in our state.

Last year, prior to becoming Governor, I appointed a task force on economic recovery. After reading the Task Force's initial report and in view of some of the recommendations they made, I asked them to study Alabama's tax structure and make additional recommendations for improvements in the tax system in light of Alabama's future needs. With financial help from the Governor's Office, they employed Price Waterhouse to make a study of the State's tax system at the present time. In view of Price Waterhouse's work and the Committee's further considerations, the Task Force has recommended certain options to me which I pass on to the Legislature.

The Task Force took particular note to say that they were recommending things they felt should be done and not necessarily things that can be done. Many of their recommendations have been attempted before with little or no success. It is going to take cooperation and leadership to bring about measurable improvements. If you desire a quality education program, if you desire a state that can compete for industry and commerce, if you desire a state where our children can stay and be productive on par with other states in our region, if you desire Alabama to be a meaningful part of the 21st Century, we must provide some long-range funding and identifiable quality standards and controls for public education. I am providing each of you with a copy of the Task Force's report to me. We will also be presenting for your consideration and passage some of the requested items, maybe modified somewhat. Funding measures will not apply to Fiscal Year 1984-85. They will be for future and long-range upgrading of schools and universities in our state.

In keeping with the Task Force's recommendations, I am asking that you submit to the people of Alabama two constitutional amendments designed to raise funds needed for future revenue in Alabama. One of the

amendments addresses property tax, while the other deals with individual and corporate income taxes.

Although the proposed income tax amendment revises the maximum individual income tax rate which can be levied from five percent to six percent, the accompanying enabling legislation which I propose will be structured so that there will be no increase in the tax burden of the average married couple. Those couples with yearly incomes of 20,000 dollars or less should not feel any effect from this legislation, and for every 10,000 dollars of taxable income above this amount, the increased tax will only be 100 dollars.

Corporate income tax would be raised from a flat five percent to six percent with passage of this amendment.

We will also propose a new six mill state property tax which will be used to provide funds for education, to provide new monies for the State General Fund and to provide new monies for the counties of this state for use both for education and for the counties' General Funds. It is my belief, however, that any tax increase should not burden the small homeowner or the small farmer, and so I am also proposing that the state homestead exemption from property taxes be increased by 20 percent so that the owner of a home valued at less than 50,000 dollars will not have to pay any state property tax. In addition, I am proposing a new exemption for the individual rural landowner (not corporations) whose property does not exceed 25,000 dollars in assessed value. These property tax proposals, of course, will not take effect unless approved by a vote of the people, and if approved, will provide our state with much needed monies for education and General Fund purposes, but will not burden small homeowners or owners of small farms.

All of us in state government face a stern challenge. This may *not* be the best time to be a member of the legislature or the Executive Branch. I know that we are presenting you with some difficult choices. Alabama's future depends on your decisions. Empty rhetoric and popular-sounding alternatives which you and all who are informed know will not provide solutions only serve to harm our state and probably to hurt those who would present them in a political sense in the future.

Now is the time for you who will be statesmen to come forth and help to lead Alabama into the future.

The President Pro Tempore and Presiding Officer of the Senate then announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Representatives Campbell and Marietta:

H. 146. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

Committee on Ways and Means.

By Representatives Campbell and Marietta:

H. 147. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

Committee on Ways and Means.

By Representative Campbell:

H. 148. To amend Section 10-4-109, Code of Alabama 1975, relating to the regulation of rates, charges, fees and dues to be paid by the public for certain health care service plans, so as to require that payments made by such health care service plans to health care facilities shall be made based on charges rather than audited costs.

Committee on Judiciary.

By Representative Harper:

H. 149. Relating to certain real property in Fort Morgan, Alabama, so as to transfer that parcel of property and improvements thereon from the Alabama historical commission to the state highway department to be used as a public ferry boat landing facility and parking facility for a ferry service between Fort Morgan and Dauphin Island; to legally describe said parcel of property; to provide that persons using the ferry service shall have the right of entry and exit from and through Fort Morgan Park area free of charge unless the ferry customers use park facilities; and to authorize the state highway department and the state department of conservation and natural resources to enter agreements for the department of conservation and natural resources to operate the fishing pier facilities on said parcel of property.

Committee on State Administration.

By Representative Johnson (Roy):

H. 150. To levy a privilege license tax for the privilege of selling at wholesale or where a wholesale sale is not effected for the privilege of importing, acquiring or receiving any tangible personal property for sale at retail at the rate of four-tenths of one percent (0.4%) of the gross proceeds derived from such sales and requires the proceeds to be deposited to the State General Fund.

Committee on Ways and Means.

By Representative Johnson (Roy):

H. 151. Relating to the annexation or de-annexation of town boundaries or corporate boundaries of municipalities of this state, to require that as a prerequisite to the introduction of any bill which seeks to expand, annex, extend, decrease or otherwise alter the boundary of any town or the corporate limits of any municipality of this state, the bill must be accompanied by an official or certified copy of a resolution duly adopted by the affected town or municipal governing body which clearly expresses its desire to have its boundary so altered.

Committee on Judiciary.

By Representative Johnson (Roy):

H. 152. Relating to dental practice insurance coverage in health insurance policies and employee benefit plans so as to allow any individual who has dental insurance coverage or contract benefits, the right to select any dentist of his choice to furnish the dental care provided under such plans or

policies; to provide that it shall be the duty and responsibility of the commissioner of insurance to enforce the provisions of this Act; and to provide for penalties for violations as provided in Section 27-1-12 of the Code of Alabama 1975.

Committee on Health.

By Representative Johnson (Roy):

H. 153. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified counselor of this State notwithstanding any provision of the policies or contracts to the contrary.

Committee on Health.

By Representative Johnson (Roy):

H. 154. To establish a time limit for the conversion to a full line life and disability insurer by certain Mutual Aid Associations under the provisions of Section 27-1-14, Code of Alabama 1975, and to establish certain administrative requirements.

Committee on Insurance.

By Representative Johnson (Roy):

H. 155. To authorize certain Mutual Aid Associations to increase their paid-in capital.

Committee on Insurance.

By Representative Johnson (Roy):

H. 156. To amend Section 27-29-1, which provides for the definitions of Insurance Holding Company Systems, so as to provide further for the exemptions from the definition of "insurer."

Committee on Insurance.

By Representative Boles:

H. 157. To provide for an annual adjustment in the amount of the per diem expense allowance and the monthly expense allowance paid to each member of the Legislature based on the annual rate of inflation for the southern region of the United States; and to provide that the Legislative Fiscal Office shall determine and certify annually to the Secretary of the Senate and the Clerk of the House of Representatives such rate of inflation on January 1 of each year.

Committee on Ways and Means.

By Representative White (L):

H. 158. To amend Section 41-16-50, Code of Alabama 1975, relating to the expenditure of public funds for leases or lease purchases; to establish an effective date.

Committee on State Administration.

By Representative Holley:

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, which proposes a Constitutional Amendment on budgetary matters

and the legislative process.

Committee on State Administration.

By Representative Holley:

H. 160. To amend Section 40-17-143, Code of Alabama 1975, so as to remove the general bonding requirements of interstate motor carriers; to authorize the commissioner to require bonds in certain cases, and to provide for a one-time application fee and to provide for an effective date.

Committee on Public Utilities and
Transportation.

By Representative Holley:

H. 161. To amend § 40-12-262, Code of Alabama 1975, relating to trip permits; and to require cab cards of international registration plan vehicles be present in the vehicle; to provide for temporary trip permits; to provide penalties for violations of this section.

Committee on Public Utilities and
Transportation.

By Representatives Gaston, Kvalheim, Zoghby, Marietta, Onderdonk, Penry, Black, Thomas, McKee, Carothers, Buskey (John), Bryant, Mikell, Blakeney, Kennedy, Turner, Hettinger, Burke, Carter, Bowling, Hooper, Warren, White (F), Seibels, Beers, White (G), Bachus, Albright, Hall, Lauderdale, Bugg, Brooks, Parker, Dutton, Browder, Junkins, Newman, Hammett, White (L), Rice, Lindsey, Mathis, Reed, Holmes, Horn, Buskey (James), Grouby, Smith, Payne, Perdue, Richardson, Gray, Davis, Preuitt, Crow, Harper, Holley, Biddle, Adams, Rogers, Flowers, Butler, Clark (D), Trammell, Tanner, Pratt, Starr, Cosby, McMillian, Box and Melton:

H. 162. To amend Section 17-4-134, Code of Alabama 1975, relating to voter registration, so as to allow the board of registrars to accept, as an application for absentee registration by members of the armed services or their dependents, Department of Defense Post Card Application for Registration and Absentee Ballot.

Committee on Constitution and
Elections.

By Representatives Gaston and Kvalheim:

H. 163. To amend Section 25-4-78, Code of Alabama 1975, relating to unemployment compensation, so as to provide that anyone who fails to tell the truth about a previous conviction of a crime on a written employment application, upon discharge, shall not be entitled to unemployment compensation benefits for the period of time he was employed by an employer to whom such erroneous application was submitted.

Committee on Judiciary.

By Representatives Gaston and Kvalheim:

H. 164. To amend Sections 17-22-8, 17-22-9 and 17-22-10, Code of Alabama 1975, relating to reporting of contributions and expenditures of political candidates' committees, so as to require all contributions to be made to the committees, to require all committees to report and to require committees of candidates for legislative and statewide offices to file certain ad-

ditional statements.

Committee on State Administration.

By Representatives Gaston and Kvalheim:

H. 165. To propose an Amendment to the Constitution of Alabama to provide that the people may propose the repeal and enactment of laws by an initiative referendum.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

By Representatives Gaston and Kvalheim:

H. 166. To amend Section 22-18-4 of the Code of Alabama 1975, relating to ambulances, so as to provide for certain requirements pertaining to semiannual safety and medical equipment inspections for ambulances operating on the public streets, roads and highways of this state.

Committee on Highway, Safety.

By Representatives Gaston and Kvalheim:

H. 167. To amend Section 13A-7-29, Code of Alabama 1975, relating to criminal littering, so as to increase the penalties for committing said offense.

Committee on Judiciary.

By Representatives Gaston and Kvalheim:

H. 168. To amend Section 15-4-2, Code of Alabama 1975, relating to the examination of dead bodies and the postmortem autopsy by coroners and qualified physicians, so as to provide further for the conditions of such autopsies and the duties of the coroners, sheriffs and state toxicologists; to provide for felony penalties for any person who violates the provisions of the act and to provide no immunities therefrom.

Committee on Judiciary.

By Representatives Gaston and Kvalheim:

H. 169. To amend Section 1-2-3 of the Code of Alabama 1975 so as to change the fiscal year for the state and its departments, institutions, bureaus, boards, commissions and all boards of education.

Committee on Ways and Means.

By Representative Adams:

H. 170. To amend Section 11-13-6, Code of Alabama 1975, so as to require the publisher of a newspaper, in which a local bill is advertised, to forward a copy of the advertisement immediately after its first insertion to the governing bodies of the county or municipalities affected by such proposed local bill.

Committee on Local Government.

By Representatives Adams, Moore, Richardson, Blakeney, Blake, Albright, Johnson (Roy), Holley, Laird, Carter, Poole, White (L), Mitchell, Sasser, and Hammett:

H. 171. To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-

406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, as amended, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

Committee on Local Government.

By Representatives Adams, Moore, Richardson, Blakeney, Blake, Johnson (Roy), Holley, Laird, Carter, Poole, White (L), Mitchell, Sasser, and Hammett:

H. 172. To amend Sections 40-22-1 and 40-22-2, Code of Alabama, 1975, as amended, which relate to recordation tax on certain instruments received for record in the probate offices of this state, so as to provide further for the rates of such taxes and the commissions allowed for the collection of such recordation taxes.

Committee on Local Government.

By Representatives Turnham and Rice:

H. 173. To amend 12-18-110 of the Code of Alabama 1975 to provide for the purchase of withdrawn or terminated service in the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama by members of the Judicial Retirement Fund and to provide credit therefor under the Judicial Retirement Fund. To provide a method of calculation for the cost of service purchased under this act and to provide a time limitation for service purchased under this act.

Committee on Ways and Means.

By Representative Turnham:

H. 174. To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar title; and to prescribe penalties for violations of this Act.

Committee on Health.

By Representative Johnson (RG) (With Notice and Proof):

H. 175. To provide for purging the lists of registered voters in Talladega County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 175, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Turner:

H. 176. To amend Section 13A-11-74, Code of Alabama 1975, relating to persons exempted from obtaining a license to carry a pistol, so as to ex-

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empt persons operating detective agencies.

Committee on Judiciary.

By Representative Coburn:

H. 177. To amend Sections: 25-4-55, 25-4-56, 25-4-57, 25-4-58, 25-4-70, 25-4-75 and 25-4-77, Code of Alabama 1975, as last amended so as to provide that the Special Federal Advance Interest Repayment Fund established by ACT 83-178 will be permanently available as mandated by P. L. 98-21, and to provide for disbursement therefrom, and for discontinuing assessments thereafter when no funds are due or needed; and to provide for disposition of any balances in such fund; to expand the provisions of the Code to provide for denial of benefits during customary vacation periods and holiday or other usual recesses to the same extent as now provided for between term and academic year periods; to provide denial of benefits to employees of certain educational service agencies to the same extent and under the same conditions as now provided for employees of educational institutions; and to define "educational service agencies"; and to exempt from disqualification from receiving benefits individuals whose failure to seek work was due to jury duty as defined herein.

Committee on Ways and Means.

By Representative Coburn:

H. 178. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Representative Trammell:

H. 179. To provide a fifteen percent or other cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Representative Starkey:

H. 180. To amend Section 40-17-160, Code of Alabama, 1975, as amended, to provide that the annual fact fee required for motor vehicles using liquefied petroleum gas or natural gas as a fuel be increased.

Committee on Ways and Means.

By Representative Starkey:

H. 181. To amend Section 8-17-87, Code of Alabama, 1975, to provide that the inspection fee on gasoline be increased to \$.02 per gallon and the inspection fee on diesel fuel be increased to \$.02 per gallon. To amend Section 8-17-91, Code of Alabama, 1975, as amended, to provide for distribution of permit fees, inspection fees, penalties; refund of overpayments and to provide for appropriation of funds.

Committee on Ways and Means.

By Representative Starkey:

H. 182. To amend Sections 40-12-248, 40-12-269 and 40-12-270, Code of Alabama, 1975, as amended, which relate to license taxes and registration fees on trucks and truck tractors so as to further provide for the collection,

amount and distribution of such license taxes and registration fees.

Committee on Ways and Means.

By Representative Starkey:

H. 183. To authorize the county commissions of the several counties of this state to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such counties not to exceed two cents (2 cents) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the county commissions of such counties to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commissions of such counties for the collection of said taxes.

Committee on Ways and Means.

By Representative Holley:

H. 184. To amend 12-17-143 so as to provide for a reversion to the General Fund of the State of contributions and interest for which no corresponding liability continues to exist under the Clerks' and Registers' Super-numerary Fund.

Committee on Ways and Means.

By Representatives Tanner, Campbell, Fuller, Poole, Marietta, Onderdonk, and Box:

H. 185. To further amend the probate laws so as to clarify certain inconsistencies in portions of the "Probate Code" and probate laws by amending Sections 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-8-114, 43-8-132, as amended and repealing Sections 43-2-314, 43-2-317, 43-2-449, 43-2-466 as amended, of the Code of Alabama.

Committee on Judiciary.

By Representative Martin:

H. 186. To amend Section 23-1-113, Code of Alabama 1975, so as to require state maintenance of municipal connecting link roads for the entire width of the right-of-way of such roads; to establish an effective date.

Committee on Ways and Means.

By Representatives Penry, Hettinger, Johnson (Roy), Harper, Albright, Rogers, Horn, and Davis:

H. 187. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive

territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Committee on Business and Labor.

By Representatives Cosby and Harper:

H. 188. To establish the manner of setting expense allowances for the members of the House of Representatives and the Alabama Senate; and to exclude the current legislature; and to provide an effective date.

Committee on Ways and Means.

By Representatives Cosby and Harper:

H. 189. To propose an amendment to the Constitution of Alabama providing for and regulating the length of regular biennial and special session of the legislature.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

By Representative Cosby, Drake, and Harper:

H. 190. To amend Section 29-1-4, Code of Alabama 1975, which provides for the time of meeting and length of sessions of the legislature, so as to provide for biennial sessions and to provide that the provisions shall be effective upon the ratification of a Constitutional Amendment.

Committee on State Administration.

By Representatives Cosby and Harper:

H. 191. Proposing an amendment to the Constitution, 1901, creating "Share the Growth Plan" relating to the total revenues of the state and the maximum appropriation the legislature may make from funds dedicated to the special educational trust funds; providing that any excess of revenues accrued for the special educational trust fund shall be automatically transferred into the general fund of the state treasury for appropriations as determined by the legislature; to allow the legislature to make appropriations from the general fund to the special educational trust fund; and providing the provisions shall be self-executing.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Representatives Cosby and Harper:

H. 192. Proposing an amendment to the Constitution of 1901; requir-

ing that a declaration of proration in a state budget shall be applied equally and without discrimination to all expenditures provided for in such budget.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Representatives Cosby and Harper:

H. 193. To provide further for making appropriations, the manner therefor and the legislative process; to provide a formula for making appropriations based on the maximum percentage of the total revenues received in the fiscal year that ended one year prior to the commencement of the fiscal year for which the appropriation is made, excluding any federal funds, and including conditional and supplemental appropriations; and to provide an effective date.

Committee on Ways and Means.

By Representatives Cosby and Harper:

H. 194. Proposing an amendment to the Constitution of 1901, prohibiting deficit spending and relating to appropriations and the legislative process therefor.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Representatives Cosby and Harper:

H. 195. To change the benefits available to certain public employees under the Teachers' Retirement System, the Employees Retirement System and the Judicial Retirement Fund; prescribe the rates of contributions and benefits accruals for persons who become members on or after October 1, 1984; provide the procedure for member withdrawal of prior accumulated contributions and participation commencing October 1, 1984, in his respective system with prior service credited as of that date; provide that the formula benefit for the prior service as of October 1, 1984, shall be determined by the amount of accumulated contributions that are withdrawn; provide for the contribution rate for members of the Judicial Retirement Fund; provide that the State will contribute to only one retirement plan for teachers and provide for an optional retirement program where certain teachers may elect to participate in TIAA-CREF or other similar tax sheltered annuity program in lieu of participation in the "TRS"; provide that the employer may pick-up the member's contribution to his retirement system for income tax purposes; provide for a procedure where if the appropriations in the General Appropriations Budget Act and Alabama Special Educational Trust Fund Budget Act for the fiscal year commencing October 1, 1984, are determined to be in excess of that required for proper funding of the ERA, or TRS then, in that event, reduces such appropriations respectively by such excess; re-appropriate such excess to the General Fund in the State Treasury, provided, however, that any excess funds from the "ASETF," or constitutionally dedicated trust funds shall return to the funds from which appropriated originally; and amend Sections 12-18-5, 12-18-52 and 12-18-82, Code of Alabama 1975, which provide for contributions for supreme court, appellate court, circuit court judges, district court judges

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and probate judges, respectively, so as to provide further for said judicial contributions.

Committee on Ways and Means.

By Representative Box:

H. 196. To amend Section 11-23-6, Code of Alabama, so as to delete the annexation restriction on industrial parks.

Committee on Judiciary.

By Representative Dutton:

H. 197. To require the Alabama Department of Conservation and Natural Resources to enter into an agreement with the U. S. Forest Service to expand the boundaries of the existing Black Warrior Wildlife Management Area; and to provide further for the marking of, management of, and hunting on the expanded area.

Committee on Agriculture and
Forestry.

By Representatives Carter, Grouby, Butler, Brakefield, Smith, Mitchell, and Poole:

H. 198. To amend Section 9-11-257, Code of Alabama 1975, as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to prohibit any person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, to hunt or discharge any firearm from, upon, or across any public road, public highway, or railroad, or their rights-of-way, logging railroads excepted; and to further prohibit any person to hunt within 100 yards of a public road, public highway, or railroad, or their rights-of-way, logging railroads excepted, with rifle or shotgun using slug or shot larger than standard number four in size, and to provide penalties for the violation thereof.

Committee on Natural Resources.

By Representative White (F):

H. 199. To amend Section 36-23-1, Code of Alabama 1975, relating to the number of constables for each county, so as to permit any county, by local legislation to abolish such office in that county.

Committee on Local Government.

By Representative Horn:

H. 200. Relating to elections, to establish an annual voter registration day; to require that the hours of the board of registrars coincide with the business hours of the courthouse; to require that in certain counties, the probate judge or chief probate clerk or others be appointed as deputy registrars; to require, upon the request of certain municipal governing bodies, the appointment of the clerk of the municipality as a deputy registrar; to authorize certain high school and college officials to serve as deputy registrars; to establish a population basis for authorizing session days for boards of registrars; to provide for severability; and, to provide an effective date.

Committee on Constitution and
Elections.

By Representative Harvey:

H. 201. To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

Committee on Ways and Means.

By Representatives McMillan and Penry:

H. 202. To provide for the issuance of permits, easements, leases, or like instruments by the Commissioner of the Department of Conservation and Natural Resources relating to the installation of any structure in, on, or over state-owned submerged lands lying seaward of duly established harbor lines.

Committee on Natural Resources.

By Representatives McMillan, Turner, and Harper:

H. 203. To amend Section 9-15-38, Code of Alabama 1975, relating to the sales of timber or minerals from school or swamp and overflowed lands, so as to remove the \$500.00 limit on the negotiated sale of damaged, diseased, or right-of-way timber; and to further provide for the negotiated sale of all other timber, the value of which does not exceed \$2,000.00.

Committee on Ways and Means.

By Representatives McMillan, Cosby, Harper, and Penry:

H. 204. To amend Section 6-8-40, Code of Alabama, 1975, so as to delete the requirement that clerks of the several circuit courts and registers must subscribe for, take and file in their offices copies of newspapers.

Committee on Judiciary.

By Representative Cosby:

H. 205. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

Committee on Judiciary.

By Representatives Venable, Mitchell, Zoghby, and Campbell:

H. 206. To amend Sections 40-21-53 and 40-21-55 to provide that municipal corporations will also pay the 2.2% utility tax and the additional revenue generated shall be deposited in the general fund.

Committee on Ways and Means.

By Representatives Box, Kvalheim, Zoghby, Clark (W), Turner, Marietta, Harper, Gaston, and Kennedy:

H. 207. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide for an additional judgeship for the Thirteenth Judicial Circuit.

Committee on Ways and Means.

By Representatives Mitchell, Zoghby, Johnson (Roy), Holley, Bowling, Newman, Albright, Lauderdale, Hall, Hettinger, Nicholson, Poole, Carter, Carothers, and White (F):

H. 208. To amend Section 16-8-26, Code of Alabama, 1975, which pro-

vides for personal leave for teachers, so as to provide further for said leave, and to provide for creditable service for purposes of service retirement for unused accrued sick leave.

Committee on Ways and Means.

By Representatives Mitchell, Johnson (Roy), Brakefield and Poole (With Notice and Proof):

H. 209. To authorize the Tuscaloosa County Board of Health to designate the services rendered by the Tuscaloosa County Health Department for which a reasonable fee may be charged. The Tuscaloosa County Board of Health is further required to set a maximum fee for each service. The Tuscaloosa County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 209, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Mitchell (With Notice and Proof):

H. 210. To authorize the Pickens County Board of Health to designate the services rendered by the Pickens County Health Department for which a reasonable fee may be charged. The Pickens County Board of Health is further required to set a maximum fee for each service. The Pickens County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 210, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Boles and Trammell:

H. 211. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the revenue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the

child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide a statute of limitations for paternity actions under this act; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination with his consent, as the natural father of a child born thereof; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Committee on Judiciary.

By Representatives Boles and Trammell:

H. 212. To amend Section 12-17-231 and 12-17-233, Code of Alabama 1975, relating to the Office of Prosecution Services, so as to provide that employees of said office shall be eligible for membership in the state employees' retirement system; to authorize legislative appropriations to the office; and to further define the program of the Office of Prosecution Services.

Committee on Ways and Means.

By Representatives Boles and Trammell:

H. 213. To provide for court ordered continuing income withholding by employers as a means of child support enforcement; to provide that such order shall be included as a part of any original judgment or decree for the payment of child support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent child support amounts in addition to enforcing continuing, prospective child support obligations; to provide for the content of orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for child support shall take precedence over any other notice of garnishment; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

Committee on Judiciary.

By Representative Onderdonk:

H. 214. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of mu-

nicipal courts; to establish an effective date.

Committee on Judiciary.

By Representatives Onderdonk and Marietta:

H. 215. To amend Section 2 of Act No. 83-889, Fourth Special Session of 1983, so as to provide that all oil or gas production by wells other than oil or gas produced by offshore production after January 1, 1985, shall be taxed at the rate of six percent of the gross value of said oil or gas at the point of production for a period of five years from the date production first begins.

Committee on Ways and Means.

By Representative Onderdonk, Campbell, and Marietta:

H. 216. To be known as the "Alabama Nonprofit Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: definitions; general substantive provisions; formation of nonprofit corporations; amendments; merger, consolidation and sale of assets; dissolution; foreign nonprofit corporations; provides for fees and miscellaneous charges; and provide powers of probate judge or secretary of state; repealing Chapter 3 (Nonprofit Corporations) Articles 1 through 8 of Title 10 of the Code of Alabama (1975), Chapter 4, Articles 12 and 15 of Title 10 of the Code of Alabama (1975), § 10-4-261 through § 10-4-263; § 10-4-281 through § 10-4-284; and amending § 10-4-260 and § 10-4-280, Code of Alabama (1975).

Committee on Judiciary.

By Representatives Cosby and Harper:

H. 217. To amend Sections 40-21-53 and 40-21-55, Code of Alabama 1975, to provide that municipal corporations will also pay the 2.2% utility tax and the additional revenue generated shall be deposited in the general fund.

Committee on Ways and Means.

By Representatives Cosby and Harper:

H. 218. To repeal Section 40-21-53, Code of Alabama 1975, as amended, and which levies a 2.2% public utility license tax on persons, firms and corporations operating an electric or hydroelectric public utility in the state, repeals Section 40-21-54, Code of Alabama 1975, which provides that the 2.2% public utility license tax shall be deductible from and shall not constitute a part of such utility's gross receipts for the purposes of computing the amount due under any state, county or municipal tax, excise, license or fee and repeals Section 40-21-55, Code of Alabama 1975, which provides for the distribution of the revenues from such tax.

Committee on Ways and Means.

By Representatives Carothers, Mathis, Flowers, Preuit, Grimsley, Venable, Johnson (RG), White (L), Faulk, Grouby, Hooper, Cosby, Turnham, Poole, and Carter:

H. 219. To require all persons born on or after October 1, 1971, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to prohibit the issuance of any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1971, and of

16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor certification procedure, and to approve other courses; to provide penalties for violation of this bill.

Committee on Natural Resources.

By Representative Campbell:

H. 220. This bill amends Section 40-18-31, Code of Alabama 1975 by raising the tax rate from 5% to 6% on the taxable income of corporations.

Committee on Ways and Means.

By Representative Campbell:

H. 221. This bill amends Section 40-18-5, Code of Alabama 1975 by raising the tax rate of individuals from 5% to 6% on taxable income above \$8,000.00.

Committee on Ways and Means.

By Representative Campbell:

H. 222. This bill proposes a constitutional amendment relating to state income taxes. It increases the maximum rate of state income taxes from five percent to six percent.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Representative Zoghby:

H. 223. To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize any state employee or retired person or beneficiary under any retirement system administered by the state to elect to have funds for his salary or retirement allowance electronically transferred for deposit in the financial institution of his choice.

Committee on Banking.

By Representative Zoghby:

H. 224. To amend Section 36-17-16 of the Code of Alabama 1975 so as to further provide for the destruction of cancelled state warrants.

Committee on Banking.

By Representative Boles:

H. 225. To amend Sections 25-5-13 and 25-5-50, Code of Alabama, 1975, so as to remove certain exceptions from compulsory participation.

Committee on State Administration.

By Representative Clark (J):

H. 226. To amend Section 29-4-44 Code of Alabama 1975, which provides for the employment of secretaries employed for the Presiding Officer

of each house of the Legislature so as to further provide for additional secretaries.

Committee on Ways and Means.

By Representatives Poole, Mitchell, Grouby, Holley, Hall, Smith, Payne, Burke, Brooks, Tanner, Carter, Butler, Kvalheim, Gaston, Blakeney, Cosby, Sasser, White (F), Hooper, McKee, Warren, Gray, Rice, Venable, Mathis, Grimsley, Lindsey, Hammett, Preuitt, Adams, Fuller, Starkey, Laird, Browder, Crow, Bowling, Hettinger, Britnell, Moore, Seibels, Faulk, Carothers, Flowers, Coleman, Melton, Richardson, Mikell, Starr, Penry, Harper, Johnson (RG) and Marietta:

H. 227. To prescribe that the legislature shall vote by recorded vote on any legislation or resolution related to any legislative expense allowances, pay or salary of any nature.

Committee on State Administration.

By Representative Britnell:

H. 228. To prohibit the operation or control or the allowance of the operation or control of a vessel on the waters of this state as defined in Section 33-5-3(2) Code of Alabama 1975, while the said operator or person in control of said vessel is under the influence of alcohol and/or a controlled substance, has 0.10 percent or more by weight of alcohol in his blood, or is by reason of mental or physical disability incapable of said activities; to provide penalties for the violation thereof; to provide penalties for failure to comply with certain court sanctions; to provide for consent to certain chemical tests pursuant to certain lawful arrests; to provide for when said tests shall be administered; to provide for the designation of tests to be used by a law enforcement agency; to provide certain exemptions from the blood test; to further provide for additional circumstances under which certain persons may or shall be tested; to provide for the admissibility of the results of certain chemical tests; to provide for valid chemical analyses; to provide for certain persons to obtain permits for the conduct of said analyses; to provide who shall or may administer certain chemical tests in certain circumstances; to further provide for the administration of said tests; to provide for certain presumptions as a result of said tests; to provide for the admissibility of the refusal to take certain chemical tests; and to provide for no liability of certain persons or entities lawfully and properly administering a blood test; and to amend Section 33-5-24 Code of Alabama 1975 relating to operation of vessels so as to delete therefrom the violation of operating a vessel while intoxicated or under the influence of certain drugs.

Committee on Judiciary.

By Representative Coburn:

H. 229. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Representative Coburn:

H. 230. To make appropriations for financial assistance to non-state agencies for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Representative Coburn:

H. 231. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Representative Blakeney:

H. 232. To provide for educational assistance benefits for members of the Alabama National Guard.

Committee on Ways and Means.

H. 81 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 81, from the Standing Committee on Insurance to the Standing Committee on State Administration.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:25 A.M. on February 9, 1984.

H. J. R. 2

H. J. R. 8

H. J. R. 12

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 15, heretofore adopted, the House adjourned until 4:00 o'clock p.m., Tuesday, February 14, 1984.

THIRD DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 14, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Eddie Gillenwater, Pastor, First Church of God, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—105

A quorum was present.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 14. Relative to a joint session to be held February 9, 1984, for the purpose of hearing the message of the Governor.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

NOMINATIONS FOR SUNSET COMMITTEE

The Speaker announced that nominations for members of the Sunset Committee would be received and the following Representatives were nominated:

Rep. Beth Marietta by Rep. Turner

Rep. W. C. Bowling by Rep. Blake

Rep. Walter E. Penry by Rep. McMillan

Rep. Sundra E. Escott by Rep. Holmes

Rep. Robert E. Albright by Rep. Hall

Rep. Loyd Coleman by Rep. Rains

Rep. Bill Fuller by Rep. White (L).

Rep. Hoyt W. Trammell by Rep. Smith

Rep. Johnson (Roy) moved that the nominations be closed, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Johnson (Roy) the rules were suspended and the reading at length of the Journal of the House for the second legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 32. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, February 14, 1984, we adjourn to meet again on Thursday, February 16, 1984, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 32, was adopted.

BILLS ON SECOND READING

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, which proposes a Constitutional Amendment on budgetary matters and the legislative process.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 150. (With Substitute): To levy a privilege license tax for the privilege of selling at wholesale or where a wholesale sale is not effected for the privilege of importing, acquiring or receiving any tangible personal property for sale at retail at the rate of four-tenths of one percent (0.4%) of the gross proceeds derived from such sales and requires the proceeds to be deposited to the State General Fund.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 177. To amend Sections 25-4-55, 25-4-56, 25-4-57, 25-4-58, 25-4-70,

25-4-75 and 25-4-77, Code of Alabama 1975, at last amended so as to provide that the Special Federal Advance Interest Repayment Fund established by ACT 83-178 will be permanently available as mandated by P. L. 98-21, and to provide for disbursement therefrom, and for discontinuing assessments thereafter when no funds are due or needed; and to provide for disposition of any balances in such fund; to expand the provisions of the Code to provide for denial of benefits during customary vacation periods and holiday or other usual recesses to the same extent as now provided for between term and academic year periods; to provide denial of benefits to employees of certain educational service agencies to the same extent and under the same conditions as now provided for employees of educational institutions; and to define "educational service agencies"; and to exempt from disqualification from receiving benefits individuals whose failure to seek work was due to jury duty as defined herein.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 151. Relating to the annexation or de-annexation of town boundaries or corporate boundaries of municipalities of this state, to require that as a prerequisite to the introduction of any bill which seeks to expand, annex, extend, decrease or otherwise alter the boundary of any town or the corporate limits of any municipality of this state, the bill must be accompanied by an official or certified copy of a resolution duly adopted by the affected town or municipal governing body which clearly expresses its desire to have its boundary so altered.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 9. To provide for branch banking in Pickens County.

H. 40. To alter or rearrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Etowah County, Alabama.

H. 42. Relating to the City of Gadsden, Etowah County; to repeal the provisions of Act No. 83-441, providing for a preferential referendum on the question of a mayor-council form of government and prescribing the time of the election, and repealing conflicting laws.

H. 43. Relating to Chilton County; to provide for an additional expense allowance for the county coroner.

H. 54. Relating to Tallapoosa County; providing for a salary schedule for certain employees of the sheriff's department in said county and providing that such schedule shall have retroactive effect to October 1, 1983.

H. 127. Relating to Washington County; providing further for the compensation of members of the county commission; prescribing that the members of the Washington County Commission, except the chairman, shall serve full time as such officers; providing for all fees, commissions or other charges heretofore collected and paid into the county general fund; specifically repealing Act No. 79-181, H. 311, Regular Session 1979 (Acts 1979, p. 291), Act No. 83-585, H. 38, Regular Session 1983, only to the ex-

tent these relate to the expense allowances and salary of the members of Washington County Commission, except the chairman, and all laws or parts of laws which provide expense allowances, salary or other compensation for said members are hereby repealed; and providing for an effective date.

H. 128. Relating to Washington County; to provide that the sheriff shall be entitled to the allowances payable by the State, county or municipalities for feeding prisoners housed in the Washington County Jail; and to provide that the provisions of this Act shall be retroactive to January 18, 1983.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 129. (With Amendment): Relating to Washington County; to provide for the rehabilitation of certain persons, both male and female, convicted of certain types of crimes and sentenced to a term of confinement in certain jails in the county, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 130. To authorize the governing body of Randolph County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article I of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to provide for the use of said proceeds; to provide that the proceeds of such tax shall be used to pay the cost of constructing, furnishing and maintaining a county jail and/or a county courthouse; to prescribe penalties and fix punishment for violations of this act; to provide for the expiration of those taxes levied and imposed under authority of this act; to make the provisions of this Act retroactive to January 1, 1984; and to provide for the collections of such taxes.

H. 131. Relating to Randolph County; to provide for an optional system of motor vehicle tag and decal purchasing by mail; to authorize an additional fee for mailing tags; to provide for the disposition of such fees; to provide that the county commission shall provide such necessary space, personnel, equipment and supplies; and to provide retroactive effect to January 1, 1983.

H. 210. To authorize the Pickens County Board of Health to designate the services rendered by the Pickens County Health Department for which a reasonable fee may be charged. The Pickens County Board of Health is further required to set a maximum fee for each service. The Pickens County Health Department may charge and collect such fees. No citizen

shall be deprived of any service because that person is unable to pay.

REPORT FILED

Pursuant to Senate Joint Resolution 5, Act No. 83-792, of the third extraordinary session of 1983 of the Legislature, Sen. Ryan deGraffenried, Jr., Chairman, submitted the final report of the Committee To Study The Construction of A Legislative Office Building, and the report was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Hall, Hettinger, Brooks, Butler and Grayson:

H. J. R. 33. CREATING THE MADISON COUNTY TAX DISTRIBUTION STUDY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Madison County, a Commission to be known as the Madison County Tax Distribution Study Commission, hereinafter called "the Commission." The Commission shall be composed of a total of ten (10) members, with each member of the Madison County Legislative Delegation making one appointment. The Chairman shall be elected from among its members and shall preside over all meetings. The Commission shall make its own rules for the conduct of business. The initial meeting shall be held at the call of the Chairman. Members of the Commission shall serve without compensation. Administrative and clerical assistance shall be provided by the Madison County Legislative Delegation Office.

The purpose of the Commission shall be to conduct studies and provide information and recommendations, regarding local sales tax, local beer and alcoholic taxes, money paid by the City of Huntsville utilities in lieu of taxes and other areas as directed by the Madison County Delegation, to the said delegation.

The Commission shall make its recommendations to the Madison County Legislative Delegation by December 1, 1984, at which time it shall be discharged of any further responsibilities or duties.

On motion of Rep. Hall, the rules were suspended and the resolution, H. J. R. 33, was adopted.

Also:

By Rep. Starr:

H. J. R. 34. COMMENDING MR. PERCY ROSS, MINNEAPOLIS, MINNESOTA.

WHEREAS, Mr. Percy Ross, Minneapolis, Minnesota, known throughout the United States for his numerous and generous deeds toward his fellowman, has become known to us in that he has helped one of our own; and

WHEREAS, upon the receipt of a letter from Anita Venable, State Treasurer's Office, in which she expressed the need and desire for a special hearing aid for her daughter, "Tabby", who developed a case of bacterial meningitis during Christmas of 1981 at the age of four which left her totally deaf due to severe nerve damage; and

WHEREAS, Mr. Ross answered Anita's letter saying he understood

how Tabby must feel, trying to adjust to a body aid and that he had arranged for Tabby to be tested and fitted with the best hearing aid available and not to worry about the cost because he was to pay all the expenses; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mr. Percy Ross for his gracious act of kindness in providing Tabby with the best hearing aid available to help her detect sound vibrations and so she can be like the other children at the Children's Center for the Handicapped, where she attends school.

BE IT FURTHER RESOLVED, That Mr. Ross received a copy of this resolution as a token of our appreciation and that Tabby receive a copy so she may know that we are also interested in care for her health and happiness.

On motion of Rep. Starr, the rules were suspended and the resolution, H. J. R. 34, was adopted.

Also:

By Rep. Newman:

H. J. R. 35. COMMENDING MR. AND MRS. VIRGIL HUBBERT ON THEIR FIFTIETH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, December 24, 1983, of Mr. and Mrs. Virgil Hubbert of Fayette, Alabama; and

WHEREAS, in the sight of God, Virgil Hubbert of Fayette and Pearl Davis of Anniston, Alabama, were joined in wedlock on December 24, 1933, and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by all couples who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Hubbert, the parents of a son, Paul Hubbert, and the loving grandparents of two fine grandchildren, were honored on this special occasion with a reception held in their home on December 18, and hosted by their son and his wife, Ann; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Fayette, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Hubbert that they may know of our congratulations and warm best wishes.

On motion of Rep. Newman, the rules were suspended and the resolution, H. J. R. 35, was adopted.

Also:

By Rep. Bugg:

H. J. R. 36. COMMENDING EMMA SANSOM'S FREDDIE WEYGAND, STATE 3A PLAYER OF THE YEAR.

WHEREAS, Emma Sansom High School's wide receiver and safety, Freddie Weygand, was named State 3A Player of the Year, a fitting and well-deserved designation based on his outstanding performance during the 1983 season; and

WHEREAS, a six-two, 180 pound senior, Freddie Weygand played a decisive role in Emma Sansom's 13-1 season record and its runner-up position for the State 3A Title; and

WHEREAS, Freddie Weygand's '83 record shows 80 receptions for 1357 yards and 14 touchdowns; 15 interceptions and one T.D.; and three kick-off returns and one punt return for four more scores, or a total of 19 touchdowns for the season; and

WHEREAS, not only is Freddie Weygand an outstanding athlete, but an excellent student as well, an accomplishment for which he is to be most highly praised; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express sincerest commendation of scholar-athlete Freddie Weygand of Gadsden, Alabama; we further extend heartiest congratulations on his State 3A Player of the Year Award and direct that he receive a copy of this resolution with copies also forwarded to his parents, Fred and Joan Weygand, and to Emma Sansom High School.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 36, was adopted.

Also:

By Reps. Penry, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. R. 37. REQUESTING THAT THE INTERSTATE COMMERCE COMMISSION HOLD A PUBLIC HEARING ON AB-55 (SUB. NO. 96).

WHEREAS, Baldwin County is a large agricultural county which produces many different kinds of row crops and especially grain and cattle; and

WHEREAS, the deletion of this section of railroad would leave this area without competitive rates in supplying grain, feed, and fertilizer to our important agricultural county; and abandonment of this rail would divert shipping to state highway 59 which is a major tourist route, and

WHEREAS, this railroad is very important to future industry that might consider locating in this area; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Interstate Commerce Commission hold a public hearing in or near Baldwin County concerning the abandonment of 33.5 miles of railroad between Bay Minette and Foley in Baldwin County, Alabama, so that the people involved may have an opportunity to present testimony that this railroad has been very vital to the agricultural and lumber industries in Baldwin County.

On motion of Rep. Penry, the rules were suspended and the resolution, H. R. 37, was adopted.

Also:

By Reps. Mikell and Venable:

H. J. R. 38. MOURNING THE DEATH OF THE REVEREND R. LEE FRANKLIN OF MILLBROOK, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of the Reverend R. Lee Franklin of Millbrook, Alabama, on December 9, 1983, at the age of 76 years; and

WHEREAS, the Reverend Franklin, who grew up in Center Point, Alabama, where he later worked in his father's business, entered the ministry at the age of 36 to retire in November 1980, having remained steadfastly faithful to his call to spread the Gospel of Christ; and

WHEREAS, a resident of Millbrook since 1957, the Reverend Franklin served two pastorates at Coosada Baptist Church—from 1959 to 1965, and again from August 1979 until his retirement; and

WHEREAS, following his active ministry, the Reverend Franklin, who also was a Shakespearean scholar and raconteur, traveled widely on speaking engagements throughout Alabama, Tennessee and Mississippi; he brought joy and laughter to his audiences and left with them messages to be cherished; and

WHEREAS, it was from the pulpit and through his pastoral duties, however, that the Reverend Franklin best served his Lord; he possessed the very unique ability to bring his flock in personal closeness to God and their Savior, Christ Jesus, enabling them to forget their worldly cares and materialistic obsessions and, instead, to think totally of His "Blessed Assurance. . ."; and

WHEREAS, the Reverend R. Lee Franklin was indeed a blessing to his community, to his congregations, and above all to his beloved family: his wife, Mrs. Macie Franklin; their two daughters and two sons; their eight grandchildren; and other family members whose sorrow we truly share; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of the Reverend R. Lee Franklin and extend our deepest sympathy to his family to whom a copy of this resolution shall be sent.

On motion of Rep. Mikell, the rules were suspended and the resolution, H. J. R. 38, was adopted.

Also:

By Rep. White (L):

H. J. R. 39. COMMENDING MRS. ELLEN ADAMS FOR OUTSTANDING SERVICE IN THE HEALTH CARE FIELD.

WHEREAS, Mrs. Ellen Adams is a true pioneer in the field of health care service in our state, having opened her first nursing home facility in November 1967 in Alexander City, Alabama; and

WHEREAS, the 25-bed capacity of the facility soon proved inadequate and the present home, dedicated in February 1975, has since expanded from 72 to a current total of 88 beds; and

WHEREAS, Mrs. Adams, in active administration of the home for the past 17 years, has truly dedicated her life, even personal resources, to the care of those in her charge; and

WHEREAS, she is indeed a very unique individual who serves through genuine concern and is totally committed to the philosophy that "her" patients come first; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Ellen Adams of Alexander City, Alabama, for outstanding service in the health care field in our state.

BE IT FURTHER RESOLVED, That Mrs. Adams receive a copy of this resolution that she may know of the Legislature's sincere praise of her accomplishments, and that she may be further aware of our gratitude for the dignity, love, respect and care she has provided for so many of the elderly in our state.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 39, was adopted.

Also:

By Reps. Penry, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 40. REQUESTING THAT THE INTERSTATE COMMERCE COMMISSION HOLD A PUBLIC HEARING ON AB-55 (SUB. No. 96).

WHEREAS, Baldwin County is a large agricultural county which produces many different kinds of row crops and especially grain and cattle; and

WHEREAS, the deletion of this section of railroad would leave this area without competitive rates in supplying grain, feed, and fertilizer to our important agricultural county; and abandonment of this rail would divert

shipping to state highway 59 which is a major tourist route, and

WHEREAS, this railroad is very important to future industry that might consider locating in this area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Interstate Commerce Commission hold a public hearing in or near Baldwin County concerning the abandonment of 33.5 miles of railroad between Bay Minette and Foley in Baldwin County, Alabama, so that the people involved may have an opportunity to present testimony that this railroad has been very vital to the agricultural and lumber industries in Baldwin County.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 40, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Rogers:

H. R. 41. HONORING ALL THE GREAT RACE HORSES OF AMERICA.

Also:

The following resolutions were introduced:

By Rep. Holley:

H. J. R. 42. DESIGNATING HIGHWAYS FOR THE DELIVERY OF TRUCK TRAILERS MANUFACTURED IN COFFEE AND PIKE COUNTIES.

WHEREAS, in relation to the counties of Coffee and Pike, there are significant facilities for the manufacture of highway twin trailer equipment; and

WHEREAS, this equipment is now in heavy usage and demand throughout the nation as a result of the Congressional Surface Transportation Assistance Act of 1982; and

WHEREAS, these local manufacturing facilities with large payrolls are vital to the economy of these counties; and

WHEREAS, these counties are presently without access to highways designated by the State of Alabama for the use of this equipment, making it impossible for the delivery of this local manufacture; and

WHEREAS, there is to be published a proposed rulemaking of the Federal Highway Administration designating a system of highways allowing the use of this equipment in Alabama; and

WHEREAS, the compromise designated system contained in the "Stipulation of the Dismissal" of Civil Action No. 83-H-336-N, recently issued by the Alabama Attorney General is inadequate in the omission of many needed highway links to form a reasonable network for these counties; and

WHEREAS, it is appropriate and necessary within the provision for comments on this impending proposed rulemaking of the Federal Highway Administration to petition the addition of the designated highways for the use of this equipment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in the interest of the efficient flow of commerce, and the distribution of the products of industry, we call upon the Federal Highway Administration to add those highways of most direct access from Elba and Enterprise, Alabama, north and east to US Highway 231 at Troy, and west to I-65, at Evergreen, Alabama, to the proposed designated system contained in the Stipulation compromise.

BE IT FURTHER RESOLVED, That a copy of this resolution be served upon the Federal Highway Administrator, within the provisions of the Proposed Rulemaking.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 42, was adopted.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 43. COMMENDING MR. THOMAS CLARKE HUCKABEE OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE IN EDUCATION.

WHEREAS, Mr. Thomas Clarke Huckabee of Mobile, Alabama, is a graduate of Southwestern at Memphis and holds the M.A. degree from George Peabody College; and

WHEREAS, from 1946 until 1975, Mr. Huckabee was associated with University Military School, first as assistant principal, head football coach and chemistry teacher until 1950 and, from 1950 until 1959, as principal, athletic consultant and chemistry teacher, and as superintendent from 1959 to 1975; and

WHEREAS, during Mr. Huckabee's tenure, University Military School enjoyed numerous major improvements to its physical plant including the D. R. Dunlap Memorial Auditorium, Corinne Aubert Roberts Memorial Library and the E. A. Roberts Memorial Dormitory; and

WHEREAS, in the area of academics, UMS was the first elementary school in Alabama to receive accreditation from the Southern Association of Colleges and Schools; it was listed in the 1967-68 edition of Who's Who Among American High Schools, and the school's percentage of graduates enrolled in major colleges and universities is an extraordinary 97 percent; and

WHEREAS, Mr. Huckabee has achieved personally through listings in Who's Who in South and Southwest, International Dictionary, Outstanding Personalities of the South and Who's Who in American Education; he has received the International Personnel Research Creativity Award and the Community Leader of America Award as well; and

WHEREAS, he is a member of the Mobile Rotary Club, Phi Delta Kappa, and Springhill Presbyterian Church where he serves on the Board of Deacons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Thomas Clarke Huckabee of Mobile, Alabama, for outstanding service in the field of education; we most particularly praise the accomplishments of Mr. Huckabee's tenure at University Military School and direct that he receive a copy of this resolution in token of our regard.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 43, was adopted.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 44. COMMENDING COACH LeVAUGHN HANKS FOR LONG AND DISTINGUISHED SERVICE TO THE YOUTH OF MOBILE COUNTY.

WHEREAS, Coach LeVaughn Hanks of Mobile has been a dedicated coach of high school team sports in this state for over 38 years; and

WHEREAS, Coach Hanks began his coaching career at Monroeville High School in 1945 where he carried three basketball teams to the state tournament during a ten-year tenure there before moving to Mobile; and

WHEREAS, he coached team sports at Murphy High School, UMS, Baker High School and St. Paul's from 1956-1977 and had no losing basketball seasons at Murphy between 1958-1971 while taking them to the state tournament seven times; and

WHEREAS, Coach Hanks blended the desirable qualities of outstanding coaching ability with good sportsmanship having compiled an overall basketball record of 488 wins against only 220 losses while having only two technical fouls called on him during his career; and

WHEREAS, Coach Hanks has twice received the M. O. Beale Schroll of Merit Award from the Mobile Press Register; and

WHEREAS, Coach Hanks serves as an active deacon in the Springhill Baptist Church and has always assumed a leadership role in civil affairs in his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby heartily commend Coach LeVaughn Hanks for his long and distinguished service to the youth of Mobile County.

RESOLVED FURTHER, That a copy of this resolution be sent to Coach Hanks.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 44, was adopted.

Also:

By Reps. Melton, Reed, Escott, Buskey (James), Horn, Kennedy, Buskey (John), Bryant, Thomas, Black, Clark (W), Holmes, Davis, Spratt, Grayson, McDowell, Rogers and Perdue:

H. R. 45. PROCLAIMING FEBRUARY AS NAACP MONTH.

WHEREAS, the United States of America was founded on the principles of equality and justice for all people; and

WHEREAS, the National Association for the Advancement of Colored People is our country's largest and oldest civil rights organization dedicated to the realization of that principle; and

WHEREAS, for seventy-five years the NAACP has sustained its commitment to end radical discrimination in every aspect of American life; and

WHEREAS, more than any other non-governmental agency, the NAACP has been responsible for the progress made by black Americans and other majority groups in this century; and

WHEREAS, the NAACP works unremittingly to the achievement of those conditions of life, citizenship and human well-being guaranteed in the Constitution by our founding fathers; and

WHEREAS, although great strides forward have been made during the past seventy-four years, for too many Americans the goal of ending racial discrimination has yet to be achieved; and

WHEREAS, the NAACP membership of 400,000 is organized in each of the fifty states and comprise all economic levels and racial groups including our state of Alabama; and

WHEREAS, the NAACP has designated 1984 as its Diamond Jubilee Year; and

WHEREAS, February 12, 1984 marks the 75th Anniversary of the founding of the National Association for the Advancement of Colored People; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we hereby proclaim February as NAACP Month.

BE IT FURTHER RESOLVED, That the House of Representatives direct a copy of this resolution to the President of the State Conference of Chapters of Alabama and to the National Office in New York.

On motion of Rep. Melton, the rules were suspended and the resolution, H. R. 45, was adopted.

Also:

By Rep. Cosby:

H. J. R. 46. COMMENDING MISS SHERER HUCKABEE FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, the Alabama Legislature notes with highest commendation the selection of Miss Sherer Huckabee as 1983 United States National Award Winner in Art; she also will appear in the official Who's Who Yearbook, published nationally by the United States Achievement Academy; and

WHEREAS, Miss Huckabee, an honor student at North Fulton High School in Atlanta and a participant in the Georgia Governor's Honors Program, is the daughter of former Alabamians, Mrs. Pattie Huckabee and Mr. Grover C. Huckabee, III; she is the granddaughter of Mr. and Mrs. Jack Sherer of Selma and Mr. and Mrs. G. C. Huckabee, Jr., of Demopolis; and

WHEREAS, it is to be noted that winners of the prestigious Achievement Academy Awards are selected solely upon recommendation of school faculties and staffs, and according to Standards of Selection set forth by the Academy; Miss Huckabee's achievements in art include First Place in the Georgia State Symposium for three years, First Place in the National Art Competition for high school students and First Place in Kaleidoscope, a showing of selected high school student artists; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Miss Sherer Huckabee for outstanding achievement; we fur-

ther congratulate Miss Huckabee on her numerous awards and honors and direct that she receive a copy of this resolution in small token of our regard, and in expression of our sincere best wishes for her every future success.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 46, was adopted.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

On motion of Rep. Johnson (Roy), the introduction of bills and resolutions was temporarily postponed in order to take up Bills on Third Reading.

BILLS ON THIRD READINGS

And the bill:

H. 91. Relating to Coosa County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his elections; abolishing the county offices of tax assessor and tax collector in Coosa County; repealing conflicting laws; providing for a referendum and prescribing the effective date of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blakeney, Box, Brakefield, Brooks, Browder, Burke, Buskey (James), Butler, Campbell, Carothers, Clark (D), Clark (W), Coleman, Crow, Davis, Escott, Faulk, Fuller, Gaston, Grayson, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Newman, Nicholson, Perdue, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (L), and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Corbett:

S. J. R. 4. URGING THE OBSERVANCE OF GRANDPARENT'S DAY IN ALABAMA.

Also:

By Senators Bennett, Cabaniss, and Little:

S. J. R. 5. COMMENDING MISS VALERIE RHEA BENDALL AS NATIONAL MAID OF COTTON.

Also:

By Senators Bennett, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Melton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 6. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE TRAM SESSIONS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 4, S. J. R. 5 and S. J. R. 6, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Goodwin, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 10. NAMING THE BRIDGE ACROSS LITTLE MULBERRY CREEK ON HIGHWAY 14 AT STATESVILLE, AUTAUGA COUNTY, ALABAMA, THE "BILL NICHOLS BRIDGE".

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Grouby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 10, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Goodwin, Smith (J), and Corbett.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 1, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Holmes, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague:

S. J. R. 13. COMMENDING THE AUBURN UNIVERSITY TIGERS AS THE NUMBER ONE COLLEGIATE FOOTBALL TEAM IN AMERICA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Rice, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 13, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Holmes:

S. J. R. 14. REQUESTING THE GOVERNOR TO PROCLAIM THE WEEK OF MAY 7, 1984, AS ALABAMA SMALL BUSINESS WEEK.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 14, the title of which is set out in the above and foregoing Message from the Senate.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Parsons, Aldridge, Cooley, Amari, Cabaniss, Bennett, Bailey, Barron, Bedford, Bedsole, Bishop, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Pearson,

Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 19. COMMENDING MR. THERMON PHILLIPS, A DISTRICT DIRECTOR OF U. S. STEEL.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 19, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Foshee:

S. J. R. 3. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE TELEPHONE SYSTEM OF THE STATE OF ALABAMA.

WHEREAS, the State of Alabama, prior to the current telephone system, had a good and workable telephone system that was satisfactory to an overwhelming number of people who had need and access to such telephone system; and

WHEREAS, in an effort to improve the situation, the telephone system for the State of Alabama has become unbearable in that it is difficult to operate and the number you dial in many instances is not the number you get; no one in authority can explain the system to the people who have to use such system; and

WHEREAS, it is felt that the people of the State of Alabama have had it with this new system; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Committee to Study the Telephone System of the State of Alabama. The Committee is to be composed of eight (8) members; four (4) to be appointed by the President of the Senate and four (4) to be appointed by the Speaker of the House from the House membership. The members of the Committee shall receive their usual expenses and per diem while exercising their duties. The Committee shall have subpoena power and every other thing deemed necessary by them in the carrying out of the duties of the Committee.

The Committee shall meet immediately after the members have been appointed and shall elect a chairman and vice chairman and commence to work to straighten this situation out.

The Committee shall make a report not only to the Legislature but to the people of the State of Alabama who are the ones who are footing the bill.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the

House concurred in and adopted the resolution, S. J. R. 3, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Covington:

S. 68. To authorize the Clerk of the House and the Secretary of the Senate to appoint certain full-time and part-time legislative security officers for their respective jurisdictions; to prescribe the training and qualifications, the compensation, powers and duties of such officers; to provide and to prescribe the benefits for such officers.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 68. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J):

S. 78. Providing for the termination of parental rights and responsibilities of parents who are unable or unwilling to discharge their responsibilities to and for the child; providing certain definitions; enumerating the circumstances to be considered by the court in cases where such rights and responsibilities are sought to be terminated; providing for the procedure to be followed in termination cases; providing for the disposition of such cases; and providing for periodic review of the circumstances of certain children.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 78. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and

ordered same sent forthwith to the House without engrossment:

By Senators Foshee and Teague:

S. 134. Relating to contractors; to require out-of-state contractors to register and file either a deposit or surety bond as well as a list of personal property involved in a construction project in Alabama upon which use and ad valorem taxes are due and payable; to provide for the payment of such taxes; and to provide for the return of the deposit or surety bond posted.

Also:

By Senators Foshee and Teague:

S. 135. Relating to contracts and contractors; to give preference to resident contractors who bid on public work projects except where federal funds are involved.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 134. State Administration.

S. 135. State Administration.

SUNSET COMMITTEE ELECTIONS

The Speaker announced the election of Reps. Marietta, Escott and Trammell as members of the Sunset Committee.

APPOINTMENTS

The Speaker then appointed as members of the Sunset Committee Reps. Buskey (James) and Hettinger.

RESOLUTION

The following resolution was introduced:

By Reps. McKee, Rice, Hooper and Cosby:

H. J. R. 47. REQUESTING THE GOVERNOR TO ESTABLISH AN INDEPENDENT, PRIVATELY FINANCED COST SURVEY COMMITTEE.

WHEREAS, a crisis exists in Alabama because citizens are beleaguered once again by the inexorable levy of additional fees, adjustments and new taxes; and

WHEREAS, taxes on the working people are too high already, as bread is taken from their table by a government intended to be their servant but now turning into a master; and

WHEREAS, additional taxes will only exacerbate the plight of the decent law abiding citizens of this State; and

WHEREAS, the Governor during his campaign for election promised there would be no new consumer taxes during his term; and

WHEREAS, the cost of financing government has become a real threat

to be continued prosperity and survival of industrious citizens and businesses; and

WHEREAS, there exists the possibility of pork barrel spending, duplication, waste, and programs unnecessary to perpetuate legitimate and vital state government services; and

WHEREAS, a privately financed, independent committee, composed of 161 corporate officials and chaired by Mr. J. Peter Grace, devoted 18 months to a study of the federal government; and

WHEREAS, this committee released a report on January 12, 1984, which outlined 2,478 ways to trim 424 billion dollars from the federal budget in practical, common sense measures over a period of four years; and

WHEREAS, the citizens of Alabama would react more favorably to any new tax proposals if they felt politicians had exhausted reasonable and prudent methods of setting government's fiscal house in order; and

WHEREAS, a committee constituted and charged as that chaired by Mr. J. Peter Grace would show good faith to Alabama's taxpayers and might discover savings, if not billions, perhaps millions, in budget expenses; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor is hereby requested to either appoint such a committee of private working people, small businessmen, and corporate officials, or give his aid and support as well as that of state government agencies to any credible committee organized for such a purpose voluntarily.

BE IT FURTHER RESOLVED, That in keeping with the present taxpayers' crisis, this committee should be activated as soon as reasonably possible.

MOTION TO SUSPEND RULES AND ADOPT

Rep. McKee offered the motion to suspend the rules and adopt the resolution, H. J. R. 47.

DIVISION OF THE QUESTION

Rep. Johnson (Roy) called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. McKee to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 47, and the motion was lost.

Yeas 24; Nays 33.

Yeas:

Reps. Brooks, Cosby, Faulk, Flowers, Gaston, Gray, Grimsley, Holley, Hooper, Kvalheim, Lindsey, McKee, McMillan, Mathis, Mikell, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Starkey, Turnham, and Zoghby.

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Nays:

Mr. Speaker, Albright, Boles, Brakefield, Browder, Bryant, Bugg, Burke,

Buskey (John), Butler, Clark (D), Crow, Davis, Dutton, Escott, Fuller, Grayson, Harvey, Holmes, Johnson (Roy), Jinkins, Lauderdale, McDowell, Melton, Newman, Parker, Pratt, Reed, Smith, Tanner, Thomas, Trammell and Turner.

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The resolution, H. J. R. 47, was read and referred to the Standing Committee on Rules.

H. 148 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 148, from the Standing Committee on Judiciary to the Standing Committee on Health.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Campbell:

H. 233. To propose a constitutional amendment amending Article IX, Section 214, Constitution of Alabama of 1901, providing for the levy by the State, in addition to all other taxes presently levied, of a 6 mill tax on property, and providing for certain exemptions therefrom.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Campbell:

H. 234. To amend Section 40-9-24, Code of Alabama 1975, so as to make said section consistent with the adoption of an amendment to Article XI, Section 214 of the Constitution of Alabama of 1901, proposed by House Bill 233 introduced at the 1984 regular session of the Legislature of Alabama; and to provide an effective date for the Act.

Committee on Ways and Means.

By Rep. Campbell:

H. 235. To exempt from state ad valorem taxation agricultural and forest property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons, up to an amount not exceeding \$25,000 in assessed value; to provide a procedure for application for and the administration of said exemption; and to provide an effective date for the Act.

Committee on Ways and Means.

By Rep. Campbell:

H. 236. To amend Section 40-9-19, Code of Alabama 1975, as previously amended, so as to increase the homestead exemption to an amount not exceeding \$5,000 in assessed value for any resident of this state who is not over 65 years of age; and to provide an effective date for the Act.

Committee on Ways and Means.

By Rep. Turner (With Notice and Proof):

H. 237. Relating to Mobile County; to provide further for the disposi-

tion and use of the funds received by Mobile County under the provisions of Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, providing for the levy of a privilege tax on the production of oil and gas; and to specifically repeal Act No. 870, H. 1517, Regular Session 1975 (Acts 1975, p. 1714), providing further for the disposition and use of a certain portion of the funds received by Mobile County from an oil and gas severance tax, and all other laws or parts of laws in conflict herewith.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 237, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner:

H. 238. To provide that funds appropriated under the Education Appropriations Act for the funding of two (2) days personal leave shall be made available to employees for personal reasons.

Committee on Ways and Means.

By Rep. Black (With Notice and Proof):

H. 239. Relating to Greene County; to provide for the distribution of the county's share of proceeds from tax revenue imposed by the exclusive statewide uniform local tax on beer as provided for in Section 28-3-190 of the Code of Alabama 1975; to provide for a certain administration commission for the judge of probate; to provide that certain proceeds shall be paid to the judge of probate to be distributed to the county commission to be used for financing either construction or renovation of courthouse and county jail facilities and to provide that such proceeds may be used for lease agreements between the county and public corporations as provided for in Chapter 15 of Title 11 of the Code of Alabama 1975.

Committee of Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 239, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Mitchell:

H. 240. This bill amends the definition of an ambulance to include an aircraft and further defines an ambulance driver and defines an aircraft pilot.

Committee on State Administration.

By Rep. Buskey (James):

H. 241. Amending Section 12-18-40, Code of Alabama relating to retirement at age 60, computation; cost of living; prior service.

Committee on Ways and Means.

By Rep. Newman (With Notice and Proof):

H. 242. To authorize the Fayette County Board of Health to designate

the services rendered by the Fayette County Health Department for which a reasonable fee may be charged. The Fayette County Board of Health is further required to set a maximum fee for each service. The Fayette County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 242, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Newman (With Notice and Proof):

H. 243. To authorize the Lamar County Board of Health to designate the services rendered by the Lamar County Health Department for which a reasonable fee may be charged. The Lamar County Board of Health is further required to set a maximum fee for each service. The Lamar County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 243, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. White (L):

H. 244. To amend Section 13A-7-6 of the Code of Alabama 1975 relating to the crime of burglary in the second degree where the entry of a dwelling-house is involved, so as to remove the requirement that such house be lawfully occupied.

Committee on Judiciary.

By Reps. White (L) and Butler:

H. 245. To amend Section 32-5-240 of the Code of Alabama 1975 relating to required lighting equipment of vehicles so as to require that such equipment be put in operation during period when rain, mist or other precipitation, including snow, necessitates the constant use of windshield wipers by motorists.

Committee on Highway Safety.

By Rep. Flowers (With Notice and Proof):

H. 246. Relating to Pike County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1983.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 246, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Flowers (With Notice and Proof):

H. 247. Relating to Pike County; to authorize all county law enforcement officers and the municipal law enforcement officers within Pike County to enforce the state's illegal waste dumping statutes to the same extent as Pike County health authorities are empowered to enforce such laws.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 247, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Flowers:

H. 248. To amend Section 9-2-108 of the Code of Alabama 1975, which relates to the disposition of revenue from the sale of timber on state parks lands, so as to require revenues from timber sales on public fishing lake lands managed by the state parks division of the department of conservation and natural resources to be earmarked by the titleholder, either state or county, and spent for maintenance or improvement of the lake property from which the timber was cut.

Committee on Ways and Means.

By Reps. Albright, Hall, and Grayson:

H. 249. To authorize and make provision for the incorporation of Railroad Authorities as public corporation for the purpose of acquiring, constructing, equipping, improving, maintaining, developing, and operating railroads, railroad properties and facilities, and other buildings and other facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama, as defined, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain powers; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments of construction or purchase contracts; to provide that any county, city, town or other political sub-division, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents,

servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county, city or town within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

Committee on Local Government.

By Reps. Hall, Butler, Grouby, Browder, Blake, Bryant, Payne, Junkins, Thomas, Martin, Turner, Moore, Bowling, Smith, Warren, Laird, Holmes, Crow, Kvalheim, Boles, Trammell, Starkey, Cosby, Harper, Turnham, Blakeney, Drake, Brooks, Harvey, Richardson, Coleman, Clark (W), Penry, Rice, Gaston, Mathis, Tanner, Rogers, McKee, Davis, Purdue, McDowell, Kennedy, Brakefield, Mitchell, Buskey (John), Holley, Bugg, Johnson (Roy), McMillan, Biddle, Faulk, Marietta, Parker, Pratt, Gray, Newman, Dutton, Horn, Adams, Grimsley, Escott, Rains, Buskey (James), Black, Starr, Venable, Lauderdale, White (L), Carter, Melton, Campbell, Burke, Onderdonk, Flowers, Grayson, Mikell, Hettinger, Carothers, Albright, Spratt, Bixie, Clark (D), Johnson (R.G.), Poole, Zoghby, Preuitt, Fuller, Lindsey, and Hooper:

H. 250. To amend Section 40-9-13 of the Code of Alabama 1975, relating to exemptions from taxation, so as to exempt, among others, the Annual Shrine Circus as well as all other charitable Shrine amusement and fund raising events from all license fees and charges including any privilege and excise tax levied by the state or any county or municipality; and to provide that such charitable Shrine amusement and fund raising events shall be

subject to all the provisions of Section 40-9-12 of the Code of Alabama 1975.

Committee on Ways and Means.

By Rep. Box (With Notice and Proof):

H. 251. To alter, rearrange and add to the limits of the City of Satsuma in Mobile County, Alabama, and to describe the area so added to the City of Satsuma.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 251, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Box (With Notice and Proof):

H. 252. To alter, rearrange and add to the limits of the City of Chickasaw in Mobile County, Alabama, and to alter and rearrange limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Chickasaw, and to describe the area so removed from the City of Mobile and so added to the City of Chickasaw.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 252, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Box (With Notice and Proof):

H. 253. To alter, rearrange, and add to the limits of the City of Saraland in Mobile County, Alabama, and to alter and rearrange the limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Saraland; and to describe the area so removed from the City of Mobile and so added to the City of Saraland.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 253, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Box (With Notice and Proof):

H. 254. To alter, rearrange, and add to the limits of the City of Mobile in Mobile County, Alabama, and to describe the area so added to the City of Mobile.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 254, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Box (With Notice and Proof):

H. 255. To alter, rearrange, and add to the limits of the City of Mobile in Mobile County, Alabama, and to describe the area so added to the City of Mobile.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 255, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Johnson (Roy):

H. 256. Relating to the corporate powers of health care authorities now or hereafter organized or re-incorporated under the provisions of Act No. 82-418, 1982 Regular Session (Article 11 of Chapter 21 of Title 22 of the Code of Alabama 1975, as amended); to empower any such health care authorities to provide certain health care services to persons (whether or not at health care facilities) and in connection therewith to make available to such persons certain health-care equipment, to acquire, own and operate certain day-care and similar facilities, to lend moneys to others (subject to certain conditions), to cause to be organized one or more affiliated public or not-for-profit corporations (or both) and to exercise corporate powers or functions through any such affiliated corporation (subject to certain conditions and limitations), to make available to any such affiliated corporation certain health care facilities, funds, moneys and similar assets, to provide certain services and to make available certain free or below-cost office space to health-care professionals (subject to certain conditions), and to issue securities without limit as to source of payment; and to provide that the grant of certain of such powers is declarative of existing law.

Committee on Health.

By Rep. Johnson (Roy):

H. 257. To repeal Sections 4-2-30, 4-2-31, 4-2-32, 4-2-35, 4-2-35.1 and 4-2-36 of the Code of Alabama 1975, relating to the creation, composition, appointment and function of the Alabama department of aeronautics and the Alabama aeronautics commission, and the powers, duties, qualifications and functions of the director of aeronautics and the assistant director of aeronautics; so as to abolish the Alabama department of aeronautics and the Alabama aeronautics commission and to transfer all duties, powers, responsibilities, authorities and functions thereof to the state highway department; and to establish an aeronautics division of the state highway department; and to create the position of supervisor of the aeronautics division of the state highway department; and to create the aeronautics board to serve in an advisory capacity to the aeronautics division of the state highway department, and to supervise and authorize all real estate transactions, whether conveyance, lease, or otherwise and to supervise all funds, monies and investments of the aeronautics division of the state highway department, and provide for the appointment, duties and compensation of the board members; to repeal all laws or parts of laws in conflict herewith; and

to provide for the effective date of this Act.

Committee on State Administration.

By Rep. Johnson (Roy):

H. 258. To amend Section 6-5-332, Code of Alabama 1975, which exempts certain persons who render emergency assistance from civil liability, so as to include persons holding current valid cardiopulmonary resuscitation certificates.

Committee on Judiciary.

By Reps. Coleman, Harvey, Dutton, Brooks, White (L), Butler, Rice, Laird, Britnell, Hall, Newman, and Junkins:

H. 259. To amend Section 32-6-231, Code of Alabama 1975, relating to distinctive license plate decals and identification placards issued to handicapped persons for use in reserved parking spaces, so as to provide that any such individual may purchase two of such decals and placards.

Committee on State Administration.

By Reps. Coleman, White (L), Butler, Laird, Britnell, Newman, and Junkins:

H. 260. To amend Section 38-2-6.1, Code of Alabama 1975, which provides for the office of state parent locator for the location of absent parents, so as to provide further for said office by providing the office with the authority to locate parents, putative parents, or children in cases of parental kidnapping or child custody disputes and providing that location information may be obtained from the Department of Revenue and private employers.

Committee on Public Welfare.

By Reps. Coleman, Butler, Brooks, White (L), Laird, Newman, Britnell, and Junkins:

H. 261. To provide an additional or alternative remedy to the Reciprocal State Enforcement of Duty to Support law, Code of Alabama 1975, §§ 30-4-80 through 30-4-98, for the benefit of any person owed the duty of support where said duty arises pursuant to a foreign support order or decree as defined in this Act.

Committee on Judiciary.

By Rep. Cosby:

H. 262. To exempt electric cooperatives and electric membership corporations organized under Chapters 6 and 7 of Title 37 of the Code of Alabama of 1975, as amended, from the provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Section 35-12-20 through 35-12-48, Code of Alabama of 1975, as amended, to establish an effective date of January 1, 1983, to repeal laws inconsistent therewith and to provide that the provisions of the Act are severable and that if any provision is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Committee on Judiciary.

By Rep. Mathis (With Notice and Proof):

H. 263. Relating to Geneva County; providing for election of the

members of the county commission from districts to be defined on a population basis by the present commission upon referendum approval by the electors of Geneva County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 263, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Campbell:

H. 264. This bill provides that support shall be ordered paid directly to the Department of Pensions and Security or its designee in any case where the Department has been subrogated to the rights of a child or other person to collect and receive support payments from the obligor, including but not necessarily limited to those instances in which the child or other person is receiving Aid to Dependent Children, Aid to Families with Dependent Children or has otherwise made application for collection service through the Department pursuant to Title IV-D of the Social Security Act and amendments thereto; provides for the distribution of monies collected; provides for notice to the court of the location and address where monies shall be received; provides for contracting with a designated party; provides that the record of collections shall constitute the official payment record, and shall be prima facie evidence to the payments made by the obligor.

Committee on Judiciary.

By Rep. Campbell:

H. 265. To redefine the term "gross income" as prescribed in Title 40, Chapter 18, Article 14, Code of Alabama 1975, relating to gross income exclusions, to conform Alabama income tax exclusions to Federal income tax exclusions of employer contributions on behalf of an employee to a trust which is part of a qualified cash or deferred arrangement (as defined in 26 USCA 401(k) (2)) under which the employee has an election whether the contribution will be made to the trust or received by the employee in cash; to provide the provisions of this act shall be construed in pari materia with other law or parts of laws relating to income tax exclusions except where there is a direct conflict; and to provide an effective date.

Committee on Ways and Means.

By Reps. Holmes, Kennedy, Buskey (James), Rogers, Horn, Buskey (John), Bryant, Clark (W), Black, McDowell, Melton, Spratt, Davis, Escott, and Thomas:

H. 266. To amend Section 1-3-8 of the Code of Alabama 1975, relating to observance of state holidays, so as to provide further for such holidays.

Committee on Ways and Means.

By Rep. Albright:

H. 267. To provide that the fire fighters of any municipality may by the election provided for in this Act designate a bargaining agent to represent them in respect to the wages and the municipality employing them pays to them as fire fighters and in respect to other conditions of their employment; to provide the procedure for elections to be called and held under

this Act, including the elections to certify a bargaining agent and elections to decertify a bargaining agent; to provide for collective bargaining proceedings to be instituted by the bargaining agent for the fire fighters or the officer, commission or board empowered to establish wages for the fire fighters; to authorize the Director of Labor to establish rules and regulations governing the call of, notice of and conduct of elections held hereunder; to provide for a procedure for binding arbitration; to provide for the appointment of arbitrators and define said arbitrators' jurisdiction and authority; to provide that the arbitrators' decision shall be binding upon all parties; and to provide for the enforcement of such decision by the circuit court and to provide for penalties; and to provide that this Act shall be known as the "Fire Fighters' Employee-Employer Relations Act," and that the provisions thereof are supplementary to and shall be construed in *pari materia* with Act No. 229, H. 146 (Acts 1967, p. 598).

Committee on Business and Labor.

By Rep. Parker:

H. 268. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

Committee on State Administration.

By Rep. Parker:

H. 269. To amend Section 1 of Act 82-470 of the Alabama Legislature 1982 so as to restore the five-year requirement for purchasing credit for previously withdrawn service by members of the teachers' retirement system, said requirement being omitted in Act 82-470 through typographical error.

Committee on Ways and Means.

By Rep. Coleman:

H. 270. To make changes in the benefits available to public employees and relating to the Teachers' Retirement System of Alabama ("TRS"), the Employees' Retirement System of Alabama ("ERS") and the Judicial Retirement Fund of Alabama ("JRF").

To provide that any member of "ERS", not employed as a state policeman, who becomes a member before October 1, 1984, and any member of "TRS" who becomes a member before October 1, 1984, shall contribute at the rate of six percent (6%); to provide that any state policeman who becomes a member of "ERS" before October 1, 1984, shall contribute at the rate of twelve percent (12%); to provide that any member of "JRF" who becomes a member before October 1, 1984, shall contribute at the rate of eight percent (8%).

To prescribe the rates of member contributions and benefit accruals under the "ERS", "TRS" and "JRF" respecting any person who becomes a member of each said retirement system, on or after October 1, 1984.

To eliminate the benefit provision for any spouse of a member of the "JRF" who becomes a member on or after October 1, 1984.

To provide that the employer may "pick-up the member's contribution to his retirement system for income tax purposes.

Committee on Ways and Means.

By Reps. Holmes and Clark (W):

H. 271. To establish the Alabama Bureau of State Lotteries and provide for the administration and operation of a state lottery; to establish the Legislative Lottery Oversight Committee and the membership, their appointment, duties and authority; to create the office of the commissioner of the bureau of state lotteries; to prescribe the powers and duties of the bureau and the commissioner, and the appointment, qualifications, and compensation for the commissioner; to regulate the licensing of agents and the sale of lottery tickets or shares; to provide for the collection of receipts and the distribution of net revenues; for purposes of the general fund, special educational trust fund, medicaid and as needed for a public works program to make an initial appropriation from the general fund of the state treasury to the bureau of state lotteries for implementing the provisions of this Act and to prescribe the manner of repayment of such funds to the said general fund; to require the commissioner to make certain reports to the Governor, the Lottery Advisory Committee, state treasurer and legislature and to prescribe post audits by the state auditor; to require certain state agencies and political subdivisions to provide assistance to the bureau; to require the director of public safety to make investigations in connection with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to exempt the bureau and commissioner from the public bid laws and the state merit system in order to assure the security and integrity of the lottery operation; to prohibit certain persons from purchasing lottery tickets or shares; to proscribe the levying of any state, county or local taxes upon the proceeds of any prize awarded by the state lottery; and to prescribe penalties for certain violations and crimes.

Committee on Ways and Means.

By Rep. Holmes:

H. 272. Proposing an amendment to Section 65 of the Constitution of 1901, relating to state funding and lotteries.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Gaston and Kvalheim:

H. 273. To reopen the Teachers' and Employee's Retirement Systems of Alabama for nonmembership service and certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teacher's Retirement System of Alabama; and to provide that this Act shall take effect October 1, 1984, and to provide for its termination.

Committee on Ways and Means.

By Reps. Harper, Marietta, Turner, Box, and Clark (W) (With Notice and Proof):

H. 274. Relating to Mobile County; providing for the election of the board of school commissioners of Mobile County from five single-member districts as designated by the United States District Court of the Southern District of Alabama, from each of which one commissioner shall be elected by the electors of that district; and providing for the election and terms of office of such commissioners.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 274, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Brooks, Butler, McKee, Mikell, Burke, Poole, Fuller, Beers, Coleman, Hooper, Gaston, Kvalheim, and Gray:

H. 275. To prohibit certain dispositions of felonious criminal cases which would have the effect of resulting in prosecution for a lesser offense than that alleged in the indictment without the consent of the victim.

Committee on Judiciary.

By Reps. Brooks, Butler, McKee, Mikell, Burke, Poole, Fuller, Hettinger, Rice, Beers, Coleman, Grayson, Hooper, Gaston, Kvalheim, Marietta, and Gray:

H. 276. To amend Section 40-1-34, Code of Alabama 1975, which relates to refunds on overpayment of taxes to the state, so as to increase the period during which application for refunds may be filed from three to five years.

Committee on Ways and Means.

By Reps. Brooks, Butler, Mikell, Fuller, Rice, Beers, Hooper, Gaston, and Kvalheim:

H. 277. To amend sections 13A-5-40 and 13A-5-49, Code of Alabama 1975, relating to capital offenses and aggravating circumstances, so as to provide further for such offenses and circumstances; to provide for classification of certain criminal offenses relating to labor unrest or violence.

Committee on Judiciary.

By Reps. Brooks, Butler, McKee, Mikell, Burke, Lindsey, Poole, Fuller, Hammett, Beers, Grayson, Hooper, Gaston, Kvalheim, Marietta, and Gray:

H. 278. To repeal Section 15-11-13, Code of Alabama 1975, which requires that married women and minors procure sureties upon appearing as witnesses for the prosecution.

Committee on Judiciary.

By Reps. Brooks, McKee, Mikell, Butler, Poole, Hettinger, Rice, Coleman, Beers, Hooper, Gaston, Kvalheim, and Gray:

H. 279. To provide for the conviction as criminal of those who engage in or assist others in engaging in the act of prostitution and to provide the

punishment for said crime.

Committee on Judiciary.

By Reps. Brooks, Butler, McKee, Burke, Poole, Fuller, Beers, Coleman, Hooper, Gaston, Kvalheim, and Gray:

H. 280. To amend Section 13A-5-12 of the Code of Alabama 1975, relating to fines for misdemeanors and violations, so as to provide further for such fines.

Committee on Judiciary.

By Reps. Brooks, Butler, McKee, Mikell, Burke, Lindsey, Poole, Fuller, Beers, Hooper, Gaston, Kvalheim, and Gray:

H. 281. To amend Section 13A-5-11 of the Code of Alabama 1975, relating to fines for felonies, so as to provide further for such fines.

Committee on Judiciary.

By Reps. Brooks, Butler, McKee, Mikell, Burke, Poole, Fuller, Beers, Coleman, Dutton, Hooper, Gaston, Kvalheim, and Gray:

H. 282. To establish the separate crime of convenience store robbery and to provide for penalties for violations.

Committee on Judiciary.

By Reps. Brooks, McKee, Mikell, Poole, Fuller, Hammett, Beers, Hooper, Gaston, Kvalheim, and Gray:

H. 283. To provide that any person convicted of a felony must serve a minimum sentence.

Committee on Judiciary.

By Reps. Brooks, Butler, McKee, Mikell, Burke, Lindsey, Poole, Fuller, Rice, Beers, Dutton, Coleman, Grayson, Hooper, Gaston, Kvalheim, Marietta, and Gray:

H. 284. To amend Section 13A-6-69, Code of Alabama 1975, which provides for the crime of enticing a child to enter a vehicle or house for immoral purposes, so as to provide further for said crime and to create the separate crime of child enticement.

Committee on Judiciary.

By Reps. Brooks, McKee, Mikell, Poole, Butler, Fuller, Beers, Hooper, Kvalheim, and Gray:

H. 285. Relating to elections; to provide for a short title; to state legislative intent; to define the meaning of terms used in this Act; to establish the Alabama Fair Campaign Practices Commission and to delineate the duties thereof; to provide for the designation and organization of a principal campaign committee by each candidate for election to state, county or municipal office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this Act; to provide for the registration of political committees (including the principal campaign committee of each candidate); to require that political committees established by corporations bear the name of the corporation; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Pro-

bate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to exempt candidates receiving or expending less than \$1,000 from certain provisions of the Act; to prohibit the intimidation of voters, certain expenditures to influence voting, the deprivation of employment or other benefit for political activity, the publication or distribution of certain political statements, any contribution in the name of another, fraudulent misrepresentations of campaign authority, fraudulent campaign advertising, and coercion of contributions; to provide penalties for the violation of the provisions of the act; to require that certificates of election be withheld under certain circumstances; to repeal Chapter 22 of Title 17 of the CODE OF ALABAMA 1975; and to provide severability and effective dates.

Committee on State Administration.

By Reps. Brooks, Butler, Mikell, McKee, Poole, Fuller, Rice, Beers, Coleman, Grayson, Hooper, Gaston, Kvalheim, and Gray:

H. 286. To amend Section 17-13-6, Code of Alabama 1975, relating to elections, ballots and the sealing, certifying and delivery to the returning officer, so as to provide further therefor.

Committee on Constitution and
Elections.

By Reps. Smith, Johnson (Roy), Holley, Poole, Parker, Trammell, Hall, and Newman:

H. 287. To amend Section 16-13-52 of the Code of Alabama 1975 as amended, relating to average daily attendance by changing from the first four scholastic months to the first three scholastic months for determining average daily attendance in apportioning the minimum program fund.

Committee on Ways and Means.

By Reps. Gray, Spratt, Pratt, Davis, Rogers, Perdue, Beers, White (G), Payne, Bachus, Biddle, and McDowell (With Notice and Proof):

H. 288. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et. seq.), as heretofore amended, including an extensive amendment by Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973 (Acts 1973, page 2124), which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last of any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which such city may be located," so as to provide that both officers participating in the System as well as all other Participants shall be eligible to receive a deferred retirement benefit and said deferred retirement benefit

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shall vest in favor of the officer or Participant upon the completion of at least sixteen (16) years of Credited Service.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 288, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Sasser:

H. 289. To provide that sentencing reports used by courts in sentencing criminal defendants contain a statement as to the impact of the offense upon the victim or the victim's family; to provide further that a victim or a member of a victim's family or other representative of the victim be entitled to be heard at sentencing.

Committee on Judiciary.

By Reps. Carter, Hall, and Sasser:

H. 290. To provide for commercial operation of billiard tables on the premises of businesses located in certain areas of the several counties of this state when such operation has been licensed by the judge of probate as provided in Article 2, Chapter 6, Title 34 of the Code of Alabama 1975.

Committee on Local Government.

By Reps. Starkey, Clark (D), Coburn, and Goodwin:

H. 291. To provide facilities for displaying certain exhibits in cooperation with the Tennessee Valley Authority; creating the Tennessee Valley Authority Exhibit Commission of Alabama as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes.

Committee on Ways and Means.

By Reps. Brooks and Butler:

H. 292. To amend Section 40-17-220, Code of Alabama 1975, which levies an excise tax on gasoline, so as to exempt from said tax, purchases by state postsecondary educational institutions.

Committee on Ways and Means.

By Rep. Holmes:

H. 293. To provide that full-time employees and executive officers of the Alabama Opportunities Industrialization Center may elect to become members of the teachers' retirement system of Alabama; also to provide that said Center and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

Committee on Ways and Means.

By Reps. Biddle, Trammell, Payne, and Pratt:

H. 294. To amend Section 36-21-2, Code of Alabama 1975, to increase

the subsistence allowance paid to any state law enforcement officer of the state of Alabama who is employed by the department of public safety, department of conservation and natural resources, Alabama alcoholic beverage control board, department of agriculture and industries or the transportation enforcement division of the Alabama public service commission from \$5.00 per day to \$12.50 per day.

Committee on Ways and Means.

By Reps. Clark (J) and Biddle:

H. 295. To amend the Dental Practice Act, Sections 34-9-1, 34-9-6, 34-9-9, 34-9-17, 34-9-18, 34-9-19, 34-9-22, 34-9-27, 34-9-29, 34-9-40, 34-9-41 and 34-9-43 of the Code of Alabama 1975, so as to regulate further the practice of dentistry and dental hygiene; to regulate further the board of dental examiners; and to provide sanctions.

Committee on Health.

By Reps. Biddle and Boles:

H. 296. To amend Code of Alabama 1975, Section 9-11-231 by adding thereto Sections b, c, and d and by renumbering Section 9-11-231 to designate the present section as Section (a); by such amendment to designate the flattened musk turtle (Sternotherus minor depressus) as protected within the meaning of Title 9 of the Code of Alabama of 1975; to prescribe unlawful activities in connection with the flattened musk turtle (Sternotherus minor depressus); to provide that the Alabama Department of Conservation and Natural Resources may issue permits for certain activities in connection with the flattened musk turtle (Sternotherus minor depressus) and to establish criminal penalties for the violation of this Act.

Committee on Health.

By Rep. Buskey (James):

H. 297. To amend Section 26-10-4, Code of Alabama 1975, relating to adoptions, so as to further regulate the opening by the state registrar of vital statistics of the sealed package, on file in his office, containing the original certificate of birth with the decree of the court, upon demand of an adopted child who has attained his majority or upon demand of the adoptive parents.

Committee on Public Welfare.

By Reps. Moore, Turnham, Smith, Flowers, Laird, Hall, and Poole:

H. 298. To exempt the Alabama 4-H Club Foundation, Inc., from all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Zoghby and Clark (W) (With Notice and Proof):

H. 299. Prescribing certain procedures to be implemented by the Mobile County board of registrars when reidentifying voters or changing their addresses and providing for supplemental effect.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 299, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Zoghby and Box:

H. 300. To exempt the Allen Memorial Home, Inc., from the payment of all state, county and municipal sales and use taxes, licenses, fees and excises, under certain prescribed conditions.

WHEREAS, the Allen Memorial Home, Inc., has been in operation in the Mobile area for the better part of this century; and

WHEREAS, the Allen Memorial Home, Inc., has taken care of the aged of the Mobile area during this time, and much of this service has been provided on a charitable basis; and

WHEREAS, the Allen Memorial Home, Inc., has for many years eased the state's obligation to the aged; and

WHEREAS, during these times the Allen Memorial Home, Inc., is finding it more difficult to make financial ends meet; now therefore,

Committee on Ways and Means.

By Reps. Zoghby, Turner, Kvalheim, Box, Marietta, Gaston, Clark (W), and Kennedy:

H. 301. To amend Section 43-2-42 of the Code of Alabama 1975, which relates to the order of preference in the right to administer an intestate's estate, so as to provide further for the order of granting said right of administration in counties where the general administrator is elected by vote of the people.

Committee on Judiciary.

By Rep. Zoghby (With Notice and Proof):

H. 302. To amend Section 2 of Act No. 181, H. 117, Regular Session 1957, (Acts 1957, p. 233), relating to Mobile County governing body, so as to require that each candidate for county commissioner must have resided within the district for which he qualifies a certain minimum period, and each county commissioner must reside within the respective district he represents during the term of office or forfeit the job.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 302, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Zoghby and Clark (W) (With Notice and Proof):

H. 303. To amend Section 1 of Act No. 82-374, H. 727, 1982 Regular Session of the Legislature (Acts 1982, p. 549), which act relates to the Mobile County board of registrars, so as to provide further for the meeting dates of such board for voter registration and voter reidentification purposes.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 303, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Zoghby, Gaston, and Kvalheim:

H. 304. To prescribe the conditions under which an unconvicted prisoner charged with a misdemeanor or felony, while awaiting trial and confined to any county jail, may perform voluntary work upon certain authorized public works; to require approval by the county governing body; and to prescribe that certain payments must be made to such person if the person is not convicted and that certain records shall be maintained.

Committee on Public Welfare.

By Rep. Zoghby:

H. 305. To amend Section 36-17-3 of the Code of Alabama 1975, relating to the duties and functions of the state treasurer.

Committee on Banking.

By Reps. Hettinger, Butler, and Albright:

H. 306. To provide for the appointment and minimum qualifications for District Attorney's Investigators and to confer law enforcement powers upon District Attorney's Investigators.

Committee on Judiciary.

By Rep. Faulk:

H. 307. To amend Section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

Committee on Natural Resources.

By Rep. Faulk:

H. 308. To amend Section 11-43-4, Code of Alabama 1975, as amended, and to amend Section 11-43-45, Code of Alabama 1975, said sections relating to the election of officers in a municipality, so that vacancies may be filled by a majority vote of the members of the council, and all members of the council may vote to fill vacancies any provisions of law not withstanding.

Committee on Local Government.

By Reps. Kennedy, Gaston, Clark (W), Buskey (James), and Box:

H. 309. To reopen the State of Alabama retirement systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of any of the State of Alabama retirement systems; to provide for the payment by the members of such service; and to provide for its termination.

Committee on Ways and Means.

By Reps. Dutton, Carter, and Lauderdale:

H. 310. To provide for a state archery hunting license or stamp; to provide for the costs and fees relating thereto, and distribution thereof; to

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prohibit hunting with a long bow or compound bow without said license or stamp; to provide penalties for the violation of this act.

Committee on Natural Resources.

By Rep. Turner (With Notice and Proof):

H. 311. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, page 298), which creates and establishes the County-wide Civil Service System in Mobile County, as amended by Act No. 684, H. 594 of the Regular Session of 1976 (Acts of Alabama 1976, page 939), so as to delete the Presiding Judge of the Circuit Court and the Presiding Judge of the Court of General Sessions as members of the Supervisory Committee of the Mobile County Personnel Board, and to provide for the election of a Chairman of the said Supervisory Committee.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 311, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Bowling, Turner, Dutton, Smith, Mitchell, Harvey, Hall, Johnson (RG), and Rains:

H. 312. To provide for the control and regulation of the production and sale of natural goat milk; and to require the commissioner of agriculture and industries to enforce such regulations by the issuance of permits to producers.

Committee on Health.

By Rep. Onderdonk:

H. 313. To authorize and establish a procedure whereby ordinances of municipalities may be introduced into evidence in the Circuit Courts of this state on appeals from municipal or district courts.

Committee on Judiciary.

By Rep. Carothers:

H. 314. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for hunting or fishing licenses for totally disabled persons; to omit the license fee; to provide that licenses issued shall be on a continuous basis; to provide that holders may be required to obtain recertification of disability; to provide for the voiding of licenses of holders failing to obtain said recertification; to increase the issuing fee; and to provide that the issuing fee shall be paid into the county treasury under certain circumstances.

Committee on Natural Resources.

By Reps. Poole, Johnson (Roy), Holley, Butler, and Burke:

H. 315. To amend Section 16-11-1, Code of Alabama 1975, which defines the word "City" for city boards of education purposes, so as to further provide for the definition.

Committee on Judiciary.

By Rep. Holley:

H. 316. To provide for and create the Alabama Racing Commission for the regulation, licensing and supervision of dog and horse racing and wagering thereon; to provide for the composition, appointment, powers and duties of the Alabama Racing Commission; to provide for and regulate the pari-mutuel method of wagering at race tracks; to impose license fees and taxes and to provide for the collection of the same under the provisions of the Act; to provide for a five-year exemption from the effective date of this Act for existing racing facilities in Mobile and Greene counties and a five-year exemption from the date of the first race for all additional race facilities; to provide for the licensing of additional racing facilities by legislative act and a referendum of the voters of the county wherein the facility will be located and to otherwise regulate horse and dog racing within the State of Alabama.

Committee on Ways and Means.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:35 P.M. on February 14, 1984.

H. J. R. 14

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 32, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 16, 1984.

FOURTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 16, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Charles Stroud, Pastor, Ridgecrest Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey, (James), Buskey, (John), Butler, Campbell,

Carothers, Carter, Clark, (D), Clark, (J), Clark, (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the rules were suspended and the reading at length of the Journal of the House for the third legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 48. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, February 16, 1984, we adjourn to meet again on Tuesday, February 21, 1984, at 2:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 48, was adopted.

BILLS ON SECOND READING

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 59. To amend Sections 14-8-42 and 14-8-43 of the Code of Alabama 1975, relating to the crime of the failure of an inmate to remain within the extended limits of confinement of correctional and detentional facilities and the punishment therefor, so as to increase the severity of such crime; and to provide for felony punishment of such crime.

H. 204. To amend Section 6-8-40, Code of Alabama, 1975, so as to delete the requirement that clerks of the several circuit courts and registers must subscribe for, take and file in their offices copies of newspapers.

H. 301. To amend section 43-2-42 of the Code of Alabama 1975, which

relates to the order of preference in the right to administer an intestate's estate, so as to provide further for the order of granting said right of administration in counties where the general administrator is elected by vote of the people.

H. 262. To exempt electric cooperatives and electric membership corporations organized under Chapters 6 and 7 of Title 37 of the Code of Alabama of 1975, as amended, from the provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Section 35-12-20 through 35-12-48, Code of Alabama of 1975, as amended, to establish an effective date of January 1, 1983, to repeal laws inconsistent therewith and to provide that the provisions of the Act were severable and that if any provision is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

H. 278. To repeal Section 15-11-13, Code of Alabama 1975, which requires that married women and minors procure sureties upon appearing as witnesses for the prosecution.

H. 61. Relating to the uniform commercial code; to amend Section 7-9-403, Code of Alabama 1975, to exempt mobile homes from being subject to the limitation of filing a continuation statement five years after filing a financing statement on a perfected security interest.

H. 205. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

H. 63. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, aircraft, automobile, truck or watercraft and to prescribe felony punishment for such acts.

H. 50. To amend Section 26-10-5, Code of Alabama 1975, relating to adoption procedures and rights of natural and adopting parents, so as to provide further for certain rights of natural grandparents of the minor child.

H. 185. To further amend the probate laws so as to clarify certain inconsistencies in portions of the "Probate Code" and probate laws by amending Sections 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-8-114, 43-8-132, as amended and repealing Sections 43-2-314, 43-2-317, 43-2-449, 43-2-466 as amended, of the Code of Alabama.

H. 214. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

H. 216. To be known as the "Alabama Nonprofit Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: definitions; general substantive provisions; formation of nonprofit corporations; amendments; merger, consolidation and sale of assets; dissolution; foreign nonprofit corporations; provides for fees and miscellaneous charges; and provide powers of probate judge or secretary of state; repealing Chapter 3 (Nonprofit Corporations) Articles 1 through 8 of Title 10 of the Code of Alabama (1975), Chapter 4, Articles 12 and 15 of Title 10 of the Code of Alabama (1975), § 10-4-261 through § 10-4-263; § 10-4-281

through § 10-4-284; and amending § 10-4-260 and § 10-4-280, Code of Alabama (1975).

H. 94. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending § 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of §§ 41-22-12 through 41-22-21, Code of Alabama 1975, tax assessments, determinations, redeterminations and appeals, and related procedures and adjudicative proceedings which are governed by Title 40, Code of Alabama 1975 and which are governed by Article 7, Chapter 4, Title 25, Code of Alabama 1975 and certain pardon and parole hearings; by amending § 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice; by amending § 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending § 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending § 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending § 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires that agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending § 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending § 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending § 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; amending §§ 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administra-

tive Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

H. 264. This bill provides that support shall be ordered paid directly to the Department of Pensions and Security or its designee in any case where the Department has been subrogated to the rights of a child or other person to collect and receive support payments from the obligor, including but not necessarily limited to those instances in which the child or other person is receiving Aid to Dependent Children, Aid to Families with Dependent Children or has otherwise made application for collection services through the Department pursuant to Title IV-D of the Social Security Act and amendments thereto; provides for the distribution of monies collected; provides for notice to the court of the location and address where monies shall be received; provides for contracting with a designated party; provides that the record of collections shall constitute the official payment record, and shall be prima facie evidence of the payments made by the obligor.

H. 313. To authorize and establish a procedure whereby ordinances of municipalities may be introduced into evidence in the Circuit Courts of this state on appeals from municipal or district courts.

S. 78. Providing for the termination of parental rights and responsibilities of parents who are unable or unwilling to discharge their responsibilities to and for the child; providing certain definitions; enumerating the circumstances to be considered by the court in cases where such rights and responsibilities are sought to be terminated; providing for the procedure to be followed in termination cases; providing for the disposition of such cases; and providing for periodic review of the circumstances of certain children.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 240. This bill amends the definition of an ambulance to include an aircraft and further defines an ambulance driver and defines an aircraft pilot.

H. 89. To amend Section 38-2-7 of the Code of Alabama 1975 relating to the county boards of pensions and security so as to further provide for the election of one member of each county board by the employees of the local county department of pensions and security.

H. 26. To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages, and to provide criminal penalties.

H. 27. To amend Section 28-3A-25, Code of Alabama 1975, which provides for certain unlawful acts and offenses under the Alcoholic Beverage Licensing Code, so as to further define the offense of sales of alcoholic beverages to minors.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 68. (With Substitute): To authorize the Clerk of the House and the Secretary of the Senate to appoint certain full-time and part-time legislative security officers for their respective jurisdictions; to prescribe the train-

ing and qualifications, the compensation, powers and duties of such officers; to provide and to prescribe the benefits of such officers.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they severally read a second time and placed on the Calendar, to-wit:

H. 158. To amend Section 41-16-50, Code of Alabama 1975, relating to the expenditure of public funds for leases or lease purchases; to establish an effective date.

H. 108. To prohibit persons without a proper decal from parking a motor vehicle in certain handicapped parking places and providing criminal penalties for violating the provisions of this act.

H. 138. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provisions is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

H. 51. Relating to contracts and contractors; to give preference to resident contractors who bid on public work projects except where federal funds are involved.

H. 52. Relating to contractors; to require out-of-state contractors to register and file either a deposit or surety bond as well as a list of personal property involved in a construction project in Alabama upon which use and ad valorem taxes are due and payable; to provide for the payment of such taxes; and to provide for the return of the deposit or surety bond posted.

S. 134. Relating to contractors; to require out-of-state contractors to register and file either a deposit or surety bond as well as a list of personal property involved in a construction project in Alabama upon which use and ad valorem taxes are due and payable; to provide for the payment of such taxes; and to provide for the return of the deposit or surety bond posted.

S. 135. Relating to contracts and contractors; to give preference to resident contractors who bid on public work projects except where federal funds are involved.

Rep. Crow, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 84. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 96. Relating to banks and branch banking: To permit any bank maintaining an office within any metropolitan statistical area to establish one or more branches at any location within said metropolitan statistical area with the consent and approval of the Superintendent of Banks; to define the term "metropolitan statistical area"; and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

H. 98. To amend Code of Alabama 1975, Section 5-5A-20, as amended by Act No. 83-73, First Special Session 1983, relating to branch banking, so as to provide that electronic funds transfer, automatic teller machines, and other off-premise operations which the Superintendent of Banks may authorize pursuant to Section 5-2A-7 shall not constitute branch banks, branch offices, branch agencies, additional offices, branch places of business, or offices for the transaction of the banking business, for the receipt of deposits, payment of checks, lending of money and conduct of a general banking business.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 93. (With Substitute): To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 100. To amend Section 8-8-5 of the Code of Alabama 1975, which

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relates to interest rates, so as to remove the Sunset or termination date on the provisions of said section as it applies to loans of \$25,000.00 or less.

H. 58. To provide for charges that may be made for bad checks given in payment to lenders of money or extenders of credit; to provide that such charges shall not be deemed interest, finance or other charges that are limited or restricted by law; to provide that this act shall be included in the Code of Alabama 1975 as Section 8-8-15 of said code.

H. 142. To provide for payment of examination fees by credit unions.

H. 143. To amend Section 5-2-120, Code of Alabama 1975, which provides for the appointment of the credit union board of the bureau of credit unions and to amend Section 5-2-121 which provides for meetings of the credit union board of the bureau of credit unions.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 48. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 122. (With Amendment): To amend Section 16-35-1, Code of Alabama, 1975, so as to provide for the qualifications and number of the members of the State Courses of Study Committee.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and the were severally read a second time and placed on the Calendar, to-wit:

H. 71. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of soybeans and soybean products; to amend Section 2-8-89 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of soybeans shall not exceed two cents per net bushel after deductions for foreign material on any soybeans sold by producers.

H. 72. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing test and to charge a fee to recover the actual expenses incurred.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 65. To amend Section 9-11-434, Code of Alabama 1975, and to repeal Section 9-11-435, Code of Alabama 1975, relating to the revenue de-

rived from the sale of the migratory waterfowl stamp and the expenditure thereof, so as to eliminate the authority granted therein to the Department of Conservation and Natural Resources to enter into contracts with non-profit organizations allocating up to one-half of said funds for approved projects outside the United States.

H. 112. To amend Section 9-12-54.5 of the Code of Alabama 1975, relating to shrimping by persons other than licensed bait shrimp dealers, so as to provide further for the catching of shrimp by such persons.

H. 113. To create a crab catcher's license; to establish when such license is required; to create a tagging system for commercial crab traps; to distribute the proceeds of such licenses; and to provide penalties for violation of this Act.

H. 114. To create a fishing vessel permit for all boats and vessels which fish in brackish or salt waters of the State of Alabama.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 115. (With Amendment): To provide for graduated penalties for using oversized commercial shrimp trawls in the waters of Alabama of \$1,000.00 to \$1,250.00 upon conviction for the first offense, \$1,250.00 to \$1,500.00 for the second offense and \$1,500.00 to \$2,000.00 for the third and subsequent offenses during any two consecutive years. Trawls used during each offense shall be confiscated and upon conviction be forfeited to the department of conservation and natural resources.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 118. To provide for graduated penalties for commercial shrimp trawling in closed waters of \$1,000.00 to \$1,250.00 for the first conviction, \$1,250.00 to \$1,500.00 for the second conviction and \$1,500.00 to \$2,000.00 for the third conviction during any two consecutive years. In addition, trawl or trawls used during each violation shall be confiscated and upon conviction because the property of the department of conservation and natural resources.

H. 198. To amend Section 9-11-257, Code of Alabama 1975, as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to prohibit any person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, to hunt or discharge any firearm from, upon, or across any public road, public highway, or railroad, or their rights-of-way, logging railroads excepted; and to further prohibit any person to hunt within 100 yards of a public road, public highway, or railroad, or their rights-of-way, logging railroads excepted, with rifle or shotgun using slug or shot larger than standard number four in size, and to provide penalties for the violation thereof.

H. 202. To provide for the issuance of permits, easements, leases, or like instruments by the Commissioner of the Department of Conservation and Natural Resources relating to the installation of any structure in, on, or

over state-owned submerged lands lying seaward of duly established harbor lines.

H. 219. To require all persons born on or after October 1, 1971, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to prohibit the issuance of any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1971, and of 16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor certification procedure, and to approve other courses; to provide penalties for violation of this bill.

H. 307. To amend section 32-5-27, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

H. 310. To provide for a state archery hunting license or stamp; to provide for the costs and fees relating thereto, and distribution thereof; to prohibit hunting with a long bow or compound bow without said license or stamp; to provide penalties for the violation of this act.

H. 314. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for hunting or fishing license for totally disabled persons; to omit the license fee; to provide that licenses issued shall be on a continuous basis; to provide that holders may be required to obtain recertification of disability; to provide for the voiding of licenses of holders failing to obtain said recertification; to increase the issuing fee; and to provide that the issuing fee shall be paid into the county treasury under certain circumstances.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 260. To amend Section 38-2-6.1, Code of Alabama 1975, which provides for the office of state parent locator for the location of absent parents, so as to provide further for said office by providing the office with the authority to locate parents, putative parents, or children in cases of parental kidnapping or child custody disputes and providing that location information may be obtained from the Department of Revenue and private employers.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 64. To amend Section 17-4-156, Code of Alabama 1975, relating to the meeting days of the boards of registrars, so as to increase Dale County's board of registrars meeting days.

H. 80. To provide that each municipality in the State of Alabama shall have the authority to enter into binding option agreements with respect to any land held by it as the site of an industrial park, subject to

certain conditions and limitations.

H. 170. To amend Section 11-13-6, Code of Alabama 1975, so as to require the publisher of a newspaper, in which a local bill is advertised, to forward a copy of the advertisement immediately after its first insertion to the governing bodies of the county or municipalities affected by such proposed local bill.

H. 199. To amend Section 36-23-1, Code of Alabama 1975, relating to the number of constables for each county, so as to permit any county, by local legislation to abolish such office in that county.

H. 290. To provide for commercial operation of billiard tables on the premises of businesses located in certain areas of the several counties of this state when such operation has been licensed by the judge of probate as provided in Article 2, Chapter 6, Title 34 of the Code of Alabama 1975.

H. 308. To amend Section 11-43-4, Code of Alabama 1975, as amended, and to amend Section 11-43-45, Code of Alabama 1975, said sections relating to the election of officers in a municipality, so that vacancies may be filled by a majority vote of the members of the council, and all members of the council may vote to fill vacancies any provision of law not withstanding.

Rep. Laird, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 14. To amend Section 25-10-6, Code of Alabama 1975, which provides for the membership on the small business assistance advisory council, so as to increase legislative members on the council.

H. 17. To create a regulatory information service within the Alabama Development Office to provide assistance and information to citizens interested in establishing or engaging in a commercial activity.

Rep. Laird, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 21. (With Amendment): To create, within the office of the Governor, an Alabama Small Business Office of Advocacy to serve as the principal advocate in the state on behalf of small businesses, including advisory participation in the consideration of legislation and administrative regulations affecting small businesses; to specify the functions and duties of the office; and to require the office to submit an annual report to the Governor and the legislature describing the activities and recommendations of the office.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 175. To provide for purging the lists of registered voters in Taladega County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

H. 242. To authorize the Fayette County Board of Health to designate the services rendered by the Fayette County Health Department for which a reasonable fee may be charged. The Fayette County Board of Health is further required to set a maximum fee for such service. The Fayette County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

H. 243. To authorize the Lamar County Board of Health to designate the services rendered by the Lamar County Health Department for which a reasonable fee may be charged. The Lamar County Board of Health is further required to set a maximum fee for each service. The Lamar County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

H. 246. Relating to Pike County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1983.

H. 247. Relating to Pike County; to authorize all county law enforcement officers and the municipal law enforcement officers within Pike County to enforce the state's illegal waste dumping statutes to the same extent as Pike County health authorities are empowered to enforce such laws.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 206. (With Substitute): To amend Sections 40-21-53 and 40-21-55 to provide that municipal corporations will also pay the 2.2% utility tax and the additional revenue generated shall be deposited in the general fund.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 316. To provide for and create the Alabama Racing Commission for the regulation, licensing and supervision of dog and horse racing and wagering thereon; to provide for the composition, appointment, powers and duties of the Alabama Racing Commission; to provide for and regulate the pari-mutuel method of wagering at race tracks; to impose license fees and taxes and to provide for the collection of the same under the provisions of the Act; to provide for a five-year exemption from the effective date of this Act for existing racing facilities in Mobile and Greene Counties and a five-year exemption from the date of the first race for all additional race facilities; to provide for the licensing of additional racing facilities by legislative act and a referendum of the voters of the county wherein the facility will be located and to otherwise regulate horse and dog racing within the State of Alabama.

H. 87. To provide for and create the Madison County Racing Commission, for the regulating, licensing and supervising of greyhound racing and pari-mutuel wagering thereon; to prescribe the composition, appointment, powers and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to pro-

vide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 13. (With Substitute) (With Amendment): To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 municipality on the question of whether this Act will become effective in such municipality; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in any Class 1 municipality in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission; to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of a license fee for pari-mutuel wagering by each licensed operator to the racing commission licensing such operator and to specify the method for determining the amount of any such fee; to provide that any such racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall be impaired by a subsequent Act of the Legislature; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total

pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in Class 1 municipalities.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Representatives Smith, Gray, and Blake:

H. 317. To amend sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76 of the Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

Committee on State Administration.

By Representatives White (F), Turner, and Reed:

H. 318. Relating to the Alabama Department of Corrections; to provide a uniform allowance for uniformed correctional officers; and to provide an additional annual continuing appropriation to the Alabama Department of Corrections for such purpose.

Committee on Ways and Means.

By Representative White (L):

H. 319. To require railroads to operate certain trains with a caboose as the last car and to require a conductor or a brakeman in such caboose, with certain exceptions; and to provide for enforcement by the Public Service Commission and for penalties.

Committee on Public Utilities and
Transportation.

By Representatives Seibels, Mitchell, Gaston, Kvalheim, Brakefield, Butler, Escott, Davis, Horn, Bachus, Gray, White (G), Rogers, Perdue, and Beers:

H. 320. To amend Sections 13A-6-60 and 13A-6-64, Code of Alabama 1975, relating to sexual offenses in the criminal code, so as to define the

crime of bestiality and to prescribe penalties for the commission of such crime.

Committee on Health.

By Representatives Seibels, Mitchell, Gaston, Kvalheim, Butler, Brakefield, Escott, Davis, Horn, Bachus, Gray, White (G), Rogers, Perdue, and Beers:

H. 321. To prohibit the use by any person of a high altitude decompression chamber to kill any dog or cat and to prescribe penalties for violations.

Committee on Health.

By Representatives Seibels, Mitchell, Gaston, Kvalheim, Butler, Brakefield, Escott, Davis, Horn, Bachus, Gray, White (G), Rogers, Perdue, and Beers:

H. 322. To amend Section 13A-11-14, Code of Alabama 1975, relating to the crime of cruelty to animals, so as to make it a crime to kill or injure without good cause any domestic animal, not just an animal belonging to another.

Committee on Health.

By Representatives Adams (With Notice and Proof):

H. 323. Relating to the municipality of Phenix City, Alabama, so as to provide a procedure for the recall of city councilmen; to provide for the filling of offices vacated due to a recall election; to provide for a referendum regarding this act; to provide for implementation procedure and to provide for certain effective dates.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 323, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Bachus, Campbell, White (G), Fuller, Marietta, Box, Beers, Tanner, and Brooks:

H. 324. To require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage or security and provides criminal sanctions for violating the provisions of this act.

Committee on Judiciary.

By Representatives Johnson (Roy), Nicholson, Clark (J), Grouby, Tanner, and Martin:

H. 325. To provide that the annual state salary payable circuit clerks and registers shall be \$35,000.00 so as to equitably adjust the ratio between said salaries and the salaries of other judicial officers and to appropriate such funds as may be necessary to pay such increase.

Committee on Ways and Means.

By Representative Warren:

H. 326. To amend section 32-8-2 of the Code of Alabama 1975, relat-

ing to the Uniform Certificate of Title and Antitheft Act, so as to redefine and clarify the definition of "owner".

Committee on State Administration.

By Representative Moore:

H. 327. To make a supplemental appropriation for the current fiscal year ending September 30, 1984, from the Board of Polygraph Examiners fund to the Board of Polygraph Examiners.

Committee on Ways and Means.

By Representatives Tanner, Burke, Fuller, and Poole:

H. 328. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

Committee on Local Government.

By Representative Rains:

H. 329. To prohibit surrogate parenthood and to prescribe penalties for violations.

Committee on Public Welfare.

By Representative Blake (With Notice and Proof):

H. 330. To provide for the salary of the probate judge of St. Clair County and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 330, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Blake (With Notice and Proof):

H. 331. Relating to St. Clair County; to provide for additional expense allowances for certain county officials.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 331, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Kvalheim and Gaston:

H. 332. To authorize any county commission to create a communications district in such county for the purpose of establishing a local emergency telephone service, to provide for the governing body of the district, including its powers, and to provide for funding for such district, including

provisions for levying a telephone service charge.

Committee on Local Government.

By Representatives Butler, Smith, and Carter:

H. 333. To amend Section 17-4-156 of the Code of Alabama 1975, relating to sessions of boards of registrars and working days for such boards, so as to provide that such sessions and working days shall be based on the fiscal year beginning October 1, 1984, and thereafter.

Committee on Ways and Means.

By Representative White (L):

H. 334. To require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage or security and to provide criminal sanctions for violating the provisions of this Act.

Committee on Judiciary.

By Representative Albright (With Notice and Proof):

H. 335. Relating to Madison County, the City of Huntsville; prohibiting any Huntsville City School Board of Education from expending any money or authorizing the expenditure of any funds or the utilization of funds in any election or on behalf of any political candidate or to lobby; prescribing that such activity shall be a violation of the Ethics laws and punishment therefor shall be as prescribed in Section 36-25-6, Code of Alabama 1975, relating to Ethics Violations.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 335, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Albright (With Notice and Proof):

H. 336. Relating to Madison County, the City of Huntsville School Board members; providing for the election and terms of such members; and specifically repealing Section 1 of Act No. 587, S. 495, 1907 Regular Session (Local Acts 1907, p. 725), relating thereto, and conflicting laws.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 336, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Starr, Davis, Grouby, Rogers, Spratt, Pratt, Escott, Bugg, Perdue, Melton, McDowell, Burke, Boles, Trammell, Horn, Albright, Butler, Grayson, Faulk, Blakeney, Mikell, Warren, Flowers, Buskey (John), Carothers, Mathis, Preuitt, Grimsley, Turnham, Sasser, Smith, Cosby, Onderdonk, Brooks, Bowling, Hooper, Johnson (R.G), Mitchell, Turner, Biddle, Poole, Gaston, Coleman, Marietta, Hettinger, Lindsey, Johnson (Roy), Zoghby, Holley, Harper, Coburn, Seibels,

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Payne, Browder, Parker, Holmes, Box, Gray, Hall, White (F), Venable, and White (G):

H. 337. To provide for a state income tax refund check-off designation for the support of programs for the aging in Alabama.

Committee on State Administration.

By Representatives Turner and Marietta:

H. 338. To provide that all paid firemen in any Class 1, 2, 3, 4, 5 or 6 municipality shall not be required to work in excess of 48 hours in any average week throughout the calendar year; and to repeal Act No. 565, H. 391, Regular Session 1963 (Acts 1963, p. 1188), and other conflicting acts.

Committee on Business and Labor.

By Representatives Rains, Brooks, Cosby, Payne, Faulk, Johnson (RG), Rice, Harper, Ford, Mitchell, Poole, Holley, Preuitt, Warren, Grouby, Gaston, Marietta, Hooper, McMillan, and Onderdonk:

H. 339. To propose a constitutional amendment which requires a three-fifth vote of each legislative house to enact a revenue raising bill.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

By Representatives Venable and Mitchell:

H. 340. To amend the Constitution of 1901 by replacing the article on Suffrage and Elections, Article VIII.

Committee on Constitution and
Elections.

The above bill was read a first time at length as required by the Constitution.

By Representative Starr:

H. 341. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-6, 34-33-7, and 34-33-9 of the Code of Alabama 1975 which relate to the design, installation and maintenance of fire protection sprinkler systems so as to refine the definition of "Fire Protection Sprinkler Contractor"; to allow persons designated by the fire marshal to prepare and administer competency tests; to clarify application of this Act to certain owners of fire protection sprinkler systems; to allow for reciprocity among states for recognized permits; to allow a fire protection sprinkler controller to continue in business for a limited period if the contractor's certificate holder dies or leaves the employment of such contractor; to specify the time for filing renewal applications; and to provide that if plans for a fire protection sprinkler system are required to be submitted to and approved by any municipality, county or the state such plans must bear the permit number of the certified fire protection sprinkler contractor.

Committee on State Administration.

By Representatives Seibels, Butler, Cosby, Payne, Perdue, Boles, Trammell, Carter, Spratt, Rogers, Davis, Mitchell, Harvey, Campbell, Smith, Flowers, Onderdonk, Kvalheim, Gaston, Harper, and Marietta:

H. 342. To amend further Section 15-18-72, Code of Alabama 1975,

relating to defendants ordered by the court to make restitution, so as to clarify the provisions of subsection (c) of such section which specifies the time within which the court shall cause payments received to be transmitted.

Committee on Judiciary.

By Representatives Thomas, Spratt, Perdue, Kennedy, Clark (W), Holley, Buskey (James), Johnson (Roy), Melton, Horn, Escott, Boles, McDowell, Grouby, Blake, Campbell, Bryant, Buskey (John), Holmes, Turnham, Sasser, Reed, and Biddle:

H. 343. To amend Section 36-26-15 of the Code of Alabama 1975 relating to the state merit system so as to further provide for the military preference during the lay-off of employees in the classified service.

Committee on State Administration.

By Representatives Poole, Mitchell, Johnson (Roy), Melton, and Burke:

H. 344. To amend section 15-4-2, Code of Alabama 1975, relating to certain duties of the coroner, so as to require the coroner to positively identify certain dead persons.

Committee on Health.

By Representative Johnson (Roy):

H. 345. To amend Section 6-5-333, Code of Alabama, 1975, relating to immunity from liability for peer review committees, professional standards committees which include dentists, chiropractors, licensed physicians and others, so as to include persons who serve on committees on emergency medical services within the protection.

Committee on Health.

By Representative Britnell:

H. 346. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

Committee on State Administration.

By Representative Johnson (Roy):

H. 347. To provide that the annual state salary payable circuit clerks and registers shall be \$35,000.00 so as to equitably adjust the ratio between said salaries and the salaries of other judicial officers and to appropriate such funds as may be necessary to pay such increase.

Committee on Ways and Means.

By Representative Coburn:

H. 348. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the

fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Representative Venable:

H. 349. To amend Section 35-10-8, Code of Alabama 1975, relating to how notices of mortgage foreclosure sales are made, so as to provide how the notice of sale is made when there is no newspaper published in the county.

Committee on Judiciary.

H. 73 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 73, from the Standing Committee on Ways and Means to the Standing Committee on State Administration.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Turnham, Smith, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L), and Zoghby.

H. J. R. 49. COMMEMORATING THE 75TH ANNIVERSARY OF 4-H.

WHEREAS, 4-H Club work began in Alabama with the organization of Boys' Corn Clubs in Walker, Calhoun and Tuscaloosa Counties in 1909; and

WHEREAS, the 4-H Club program since its beginning in Alabama 75 years ago has contributed greatly to the education and development of the youth of our state; and

WHEREAS, 4-H members acquire knowledge, develop life skills and form positive attributes that will enable them to become self-directing, productive and contributing members of society; and

WHEREAS, the 115,000 boys and girls now enrolled in 3,100 4-H clubs in Alabama, the 3,200 adult volunteer leaders who assist them and the 130 Extension youth professionals of the Alabama Cooperative Extension Service make an important contribution to the quality of family and community life in our State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body designates the year 1984 as 4-H Club Diamond Anniversary Year in Alabama in recognition of Alabama 4-H Clubs for 75 years of service to the youth of Alabama.

On motion of Rep. Turnham, the rules were suspended and the resolu-

tion, H. J. R. 49, was adopted.

Also:

By Reps. Richardson, Hall, Hettinger, Coburn, Starkey, Goodwin, Clark (D) and Lauderdale:

H. J. R. 50. COMMENDING FORMER ALABAMA CONGRESSMAN ROBERT E. JONES AND INVITING HIM TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

WHEREAS, former Congressman Robert E. Jones served in the United States Congress for 30 years, representing the people of Alabama's Fifth Congressional District; and

WHEREAS, during his prestigious tenure, Congressman Jones served as chairman of the Public Works and Transportation Committees, co-authored both the Interstate Highway Act of 1956 and the Accelerated Public Works Act of 1959, and authored the first Rural Housing Act in 1949 under which the first house built was in Jackson County; and

WHEREAS, he further was instrumental in the movement of the Department of the Army from Fort Bliss, Texas, to Redstone which later, of course, became associated with NASA; he authored the TVA Bonding Authority in 1959 and co-authored, as well, the National Water District Systems Act; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on behalf of the entire State of Alabama, we express deep gratitude to Congressman Robert E. Jones for outstanding service both to the Fifth Congressional District and to all of Alabama.

BE IT FURTHER RESOLVED, That Congressman Jones be invited to address a joint session of the Legislature, at a date and time to be later set, and that a copy of this resolution be presented to Congressman Jones at such time as it is convenient for him to appear before the Legislature.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 50, was adopted.

Also:

By Rep. Rains:

H. J. R. 51. COMMENDING MR. AND MRS. JAMES ALLEN JOHNSON ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, October 26, 1983, of Mr. and Mrs. J. E. (Jim) Johnson of Jacksonville, Alabama; and

WHEREAS, in the sight of God, James Allen Johnson and Ola Shirley were joined in wedlock on October 26, 1933, near Fyffe in DeKalb County and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Johnson are the parents of three children

and the loving grandparents of seven wonderful grandchildren and two fine great-grandchildren; and

WHEREAS, Mr. Johnson, a former merchant, farmer and school teacher, also served for six years as chief clerk in the DeKalb County Probate Judge's office, and served one six-year term as Probate Judge; he and his wife Ola, a homemaker, have been members of the Baptist Church for more than 50 years and currently are members of the First Baptist Church of Jacksonville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Jacksonville, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Johnson that they may know of our congratulations and warm best wishes.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 51, was adopted.

Also:

By Rep. McKee:

H. J. R. 52. REQUESTING THE GOVERNOR TO ESTABLISH AN INDEPENDENT, PRIVATELY FINANCED COST SURVEY COMMITTEE.

WHEREAS, a crisis exists in Alabama because citizens are beleaguered once again by the inexorable levy of additional fees, adjustments and new taxes; and

WHEREAS, taxes on the working people are too high already, as bread is taken from their table by a government intended to be their servant but now turning into a master; and

WHEREAS, additional taxes will only exacerbate the plight of the decent law abiding citizens of this State; and

WHEREAS, the Governor during his campaign for election promised there would be no new consumer taxes during his term; and

WHEREAS, the cost of financing government has become a real threat to be continued prosperity and survival of industrious citizens and businesses; and

WHEREAS, there exists the possibility of pork barrel spending, duplication, waste, and programs unnecessary to perpetuate legitimate and vital state government services; and

WHEREAS, a privately financed, independent committee, composed of 161 corporate officials and chaired by Mr. J. Peter Grace, devoted 18 months to a study of the federal government; and

WHEREAS, this committee released a report on January 12, 1984, which outlined 2,478 ways to trim 424 billion dollars from the federal budget in practical, common sense measures over a period of four years; and

WHEREAS, the citizens of Alabama would react more favorably to any new tax proposals if they felt politicians had exhausted reasonable and pru-

dent methods of setting government's fiscal house in order; and

WHEREAS, a committee constituted and charged as that chaired by Mr. J. Peter Grace would show good faith to Alabama's taxpayers and might discover savings, if not billions, perhaps millions, in budget expenses; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor is hereby requested to either appoint such a committee of private working people, small businessmen, and corporate officials, or give his aid and support as well as that of state government agencies to any credible committee organized for such a purpose voluntarily.

BE IT FURTHER RESOLVED, That in keeping with the present taxpayers' crisis, this committee should be activated as soon as reasonably possible.

MOTION TO SUSPEND RULES AND ADOPT

Rep. McKee offered the motion to suspend the rules and adopt the resolution, H. J. R. 52.

DIVISION OF THE QUESTION

Rep. Johnson (Roy) called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. McKee to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 52, and the motion was lost.

Yeas 20; Nays 41.

Yeas:

Reps. Brooks, Butler, Cosby, Gaston, Grimsley, Hammett, Harper, Hooper, Kennedy, Kvalheim, McKee, McMillan, Mikell, Payne, Poole, Rice, Sasser, Starr, White (G) and Zoghby.

—20

Nays:

Mr. Speaker, Albright, Blake, Blakeney, Boles, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (John), Campbell, Clark (D), Clark (J), Coburn, Crow, Escott, Ford, Fuller, Goodwin, Grayson, Hall, Harvey, Holley, Holmes, Johnson (Roy), Junkins, Lauderdale, McDowell, McNair, Martin, Melton, Newman, Onderdonk, Parker, Pratt, Reed, Richardson, Spratt, Trammell, and Turner.

—41

The resolution, H. J. R. 52, was read and referred to the Standing Committee on Rules.

H. 232 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 232, from the Standing Committee on Ways and Means to the Standing Committee on Military Affairs.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Ford, Junkins, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 53. HOUSE JOINT RESOLUTION.

MOURNING THE DEATH OF CAPTAIN JAMES A. "BUBBA" DAVIS.

WHEREAS, it is with a deep sense of sorrow and regret that the Alabama Legislature notes the untimely death on October 14, 1983 of James A. "Bubba" Davis, Captain in the Alabama Bureau of Investigation; and

WHEREAS, for more than thirty years Captain Davis served the people of this State in the Alabama Department of Public Safety; and

WHEREAS, Captain Davis was a courageous law enforcement officer who on numerous occasions placed his life in jeopardy to protect the people of this State, and who was on one occasion wounded in the line of duty; and

WHEREAS, Captain Davis was a tireless servant of the people who regularly worked untold hours and was never really "off duty";

WHEREAS, despite his tremendous workload and burdensome responsibilities, Captain Davis always had a kind word for those around him and never failed to set a sterling example for the many young law enforcement officers he trained and supervised; and

WHEREAS, the law-abiding people of this State are safer in their persons and property, and this State is a better place to live, because of Captain Davis' three decades of extraordinary service;

NOW BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Captain James A. "Bubba" Davis.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to his wife, Mrs. Polly C. Davis, that she and their children may know of our sincerely shared sorrow in the loss of their husband and father, a distinguished Alabamian and a great law enforcement officer.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 53, was adopted.

Also:

By Reps. Brooks and Butler:

H. R. 54. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 87.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinion on the following constitutional question which has arisen concerning the pending H. B. 87, a copy of which is attached to this resolution and made a part hereof by reference, which was introduced on February 7, 1984, and which provides for a referendum on whether pari-mutuel betting should be legalized in Madison County.

The pertinent facts are:

(a) H. B. 87 is a local bill and was properly advertised four consecutive weeks in Madison County in accordance with Section 106 of the Constitution of Alabama of 1901.

(b) Seven amendments to H. B. 87 have been properly advertised four consecutive weeks in Madison County in accordance with the requirements of Section 106 of the Constitution of Alabama of 1901.

(c) H. B. 87, and the seven amendments to it, are pending before the House and the House awaits an Opinion of the Justices on whether properly advertised amendments may be attached to H. B. 87, by majority vote of the legislature, without violating Section 106 of the Constitution of Alabama of 1901.

The specific question is: May any or all of these seven amendments to be legally attached to H. B. 87 without violating the provisions of Section 106 of the Constitution of Alabama of 1901, or any other provisions of the Constitution of Alabama of 1901?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send sufficient true copies of the pending bill, H. B. 87, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Brooks offered the motion to suspend the rules and adopt the resolution, H. R. 54.

DIVISION OF THE QUESTION

Rep. Albright called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Brooks to suspend the rules in order to take up for immediate consideration the resolution, H. R. 54, and the motion was lost.

The resolution, H. R. 54, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to

Joint Rule 11:

By Rep. Hammett:

H. R. 55. COMMENDING MISS GINGER NETTLES, ALABAMA JUNIOR MISS.

BILLS ON THIRD READING

And the bill:

H. 9. To provide for branch banking in Pickens County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Blakeney, Box, Brakefield, Bugg, Burke, Campbell, Carter, Clark (J), Coburn, Cosby, Flowers, Fuller, Gaston, Hall, Hammett, Harper, Harvey, Hooper, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Melton, Mikell, Mitchell, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Reed, Rice, Sasser, Seibels, Smith, Spratt, Starr, Thomas, Turner, Turnham, Venable, White (G), White (L), and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 40. To alter or rearrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Etowah County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Boles, Box, Brakefield, Bugg, Burke, Carter, Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Reed, Rice, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), and Zoghby.

—68

And the bill:

H. 42. Relating to the City of Gadsden, Etowah County; to repeal the provisions of Act No. 83-441, providing for a preferential referendum on the question of a mayor-council form of government and prescribing the time of the election, and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Boles, Box, Brakefield, Browder, Bugg, Burke, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Melton, Mitchell, Moore, Newman, Onderdonk, Parker, Poole, Pratt, Preuit, Rains, Reed, Rice, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (G), White (L), and Zoghby.

—63

And the bill:

H. 43. Relating to Chilton County; to provide for an additional expense allowance for the county coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Boles, Box, Brakefield, Browder, Bugg, Burke, Buskey (James), Carter, Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Melton, Mikell, Mitchell, Newman, Onderdonk, Parker, Perdue, Poole, Pratt, Preuit, Rains, Reed, Rice, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), and Zoghby.

—69

And the bill:

H. 54. Relating to Tallapoosa County; providing for a salary schedule for certain employees of the sheriff's department in said county and providing that such schedule shall have retroactive effect to October 1, 1983.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Boles, Box, Brakefield, Bugg, Burke, Buskey (James), Carter, Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (R.G.), Johnson

(Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Mitchell, Newman, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), and Zoghby.

—65

And the bill:

H. 127. Relating to Washington County; providing further for the compensation of members of the county commission; prescribing that the members of the Washington County Commission, except the chairman, shall serve full time as such officers; providing for all fees, commissions or other charges heretofore collected and paid into the county general fund; specifically repealing Act No. 79-181, H. 311, Regular Session 1979 (Acts 1979, p. 291), Act No. 83-585, H. 38, Regular Session 1983, only to the extent these relate to the expense allowances and salary of the members of Washington County Commission, except the chairman, and all laws or parts of laws which provide expense allowances, salary or other compensation for said members are hereby repealed; and providing for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Blakeney, Boles, Box, Brakefield, Browder, Bugg, Burke, Buskey (James), Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Ford, Fuller, Gaston, Gray, Grayson, Grimsley, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Melton, Mitchell, Newman, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Turner, Turnham, White (G), White (L), and Zoghby.

—65

And the bill:

H. 128. Relating to Washington County; to provide that the sheriff shall be entitled to the allowances payable by the State, county or municipalities for feeding prisoners housed in the Washington County Jail; and to provide that the provisions of this Act shall be retroactive to January 18, 1983.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Boles, Box, Brakefield, Britnell, Browder, Bugg, Burke, Buskey (John), Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Gray, Grayson, Grimsley, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mikell, Moore, Newman, Onderdonk, Penry, Pratt,

Preuitt, Rains, Reed, Rice, Sasser, Seibels, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, White (G), White (L), and Zoghby.

—64

And the bill:

H. 129. (With Amendment): Relating to Washington County; to provide for the rehabilitation of certain persons, both male and female, convicted of certain types of crimes and sentenced to a term of confinement in certain jails in the county, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 129, Page 1, Section 2, Line 34 by striking District Judge and inserting in lieu thereof the following: Circuit Clerk

Further amend H. B. 129, Page 2, Section 3, Line 17 by striking District Judge and inserting in lieu thereof the following: Circuit Clerk

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Browder, Bugg, Burke, Buskey (John), Carter, Clark (J), Coleman, Cosby, Crow, Faulk, Fuller, Gaston, Grayson, Grouby, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, White (G), White (L), and Zoghby.

—63

And the bill, H. 129, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Bachus, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Browder, Bugg, Burke, Buskey (John), Carter, Clark (J), Coleman, Cosby, Crow, Faulk, Ford, Fuller, Gaston, Gray, Grayson, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Warren, White (G), White (L), and Zoghby.

—67

BILLS ON THIRD READING RESUMED

And the bill:

H. 130. To authorize the governing body of Randolph County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article I of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to provide for the use of said proceeds; to provide that the proceeds of such tax shall be used to pay the cost of constructing, furnishing and maintain a county jail and/or a county courthouse; to prescribe penalties and fix punishment for violations of this act; to provide for the expiration of those taxes levied and imposed under authority of this act; to make the provisions of this Act retroactive to January 1, 1984; and to provide for the collections of such taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Browder, Bugg, Burke, Buskey (John), Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grayson, Grimsley, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McMillan, Marietta, Martin, Mikell, Mitchell, Moore, Newman, Onderdonk, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L), and Zoghby.

—72

And the bill:

H. 131. Relating to Randolph County; to provide for an optional system of motor vehicle tag and decal purchasing by mail; to authorize an additional fee for mailing tags; to provide for the disposition of such fees; to provide that the county commission shall provide such necessary space, personnel, equipment and supplies; and to provide retroactive effect to January 1, 1983.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Browder, Bugg, Burke, Buskey (John), Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Faulk, Flowers, Ford, Fuller,

Gaston, Gray, Grayson, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McMillan, Marietta, Martin, Mikell, Mitchell, Moore, Newman, Onderdonk, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L), and Zoghby.

—72

And the bill:

H. 210. To authorize the Pickens County Board of Health to designate the services rendered by the Pickens County Health Department for which a reasonable fee may be charged. The Pickens County Board of Health is further required to set a maximum fee for each service. The Pickens County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Black, Blake, Blakeney, Box, Brakefield, Britnell, Browder, Bugg, Burke, Buskey (James), Buskey (John), Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grayson, Grimsley, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L), and Zoghby.

—72

And the bill:

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, which proposes a Constitutional Amendment on budgetary matters and the legislative process.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 31.

Yeas:

Mr. Speaker, Albright, Blake, Boles, Brakefield, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Hall, Harvey, Holley, Holmes, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, Martin, Melton, Mitchell, Moore, Newman, Parker, Payne, Poole, Pratt, Rains, Reed, Richardson, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, White (L), and Zoghby.

—59

Nays:

Reps., Adams, Box, Britnell, Brooks, Cosby, Flowers, Gaston, Grouby, Hammett, Harper, Hettinger, Hooper, Horn, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, McNair, Marietta, Mikell, Penry, Perdue, Preuitt, Rice, Sasser, Seibels, Starr, Venable, Warren and White (F.).

—31

And the bill:

H. 150. (With Substitute): To levy a privilege license tax for the privilege of selling at wholesale or where a wholesale sale is not effected for the privilege of importing, acquiring or receiving any tangible personal property for sale at retail at the rate of four-tenths of one percent (0.4%) of the gross proceeds derived from such sales and requires the proceeds to be deposited to the State General Fund.

Was taken up.

H. 150 INDEFINITELY POSTPONED

On motion of Rep. Johnson (Roy), the bill, H. 150, and pending substitute reported by the Standing Committee on Ways and Means, was indefinitely postponed.

And the bill:

H. 177. To amend Sections 25-4-55, 25-4-56, 25-4-57, 25-4-58, 25-4-70, 25-4-75 and 25-4-77, Code of Alabama 1975, as last amended so as to provide that the Special Federal Advance Interest Repayment Fund established by ACT 83-178 will be permanently available as mandated by P. L. 98-21, and to provide for disbursement therefrom, and for discontinuing assessments thereafter when no funds are due or needed; and to provide for disposition of any balances in such fund; to expand the provisions of the Code to provide for denial of benefits during customary vacation periods and holiday or other usual recesses to the same extent as now provided for between terms and academic year periods; to provide denial of benefits to employees of certain educational service agencies to the same extent and under the same conditions as now provided for employees of educational institutions; and to define "educational service agencies"; and to exempt from disqualification from receiving benefits individuals whose failure to seek work was due to jury duty as defined herein.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White

(L), and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 5. NAMING A PORTION OF U. S. HIGHWAY 231, FROM ONEONTA TO ROSA, IN BLOUNT COUNTY, ALABAMA, THE "RAY MARSH DRIVE."

Also:

H. J. R. 21. URGING THE REVENUE DEPARTMENT TO ACCEPT PERSONAL CHECKS FOR ISSUING CERTAIN LICENSES.

Also:

H. J. R. 28. COMMENDING PISGAH HIGH SCHOOL'S CHAMPIONSHIP FOOTBALL TEAM.

Also:

H. J. R. 29. COMMENDING THE CITIZENS OF STEVENSON, ALABAMA, ON THE RESTORATION AND PRESERVATION OF THE STEVENSON RAILROAD DEPOT MUSEUM.

Also:

H. J. R. 30. DESIGNATING THE BELOIT COMMUNITY AS THE RECYCLE CAPITAL OF ALABAMA.

Also:

H. J. R. 31. MOURNING THE DEATH OF MR. OLAF A. SYLTIE OF MOBILE, ALABAMA.

Also:

H. J. R. 34. COMMENDING MR. PERCY ROSS, MINNEAPOLIS, MINNESOTA.

Also:

H. J. R. 53. MOURNING THE DEATH OF CAPTAIN JAMES A. "BUBBA" DAVIS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 19. MOURNING THE DEATH OF MR. E. L. STEWART OF TALLADEGA, ALABAMA.

Also:

H. J. R. 20. REQUESTING THE GOVERNOR TO PROCLAIM THE WEEK OF MAY 7, 1984, AS ALABAMA SMALL BUSINESS WEEK.

Also:

H. J. R. 23. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE IRA DRAYTON PRUITT OF LIVINGSTON, ALABAMA.

Also:

H. J. R. 27. NAMING THE BRIDGE ACROSS LITTLE MULBERRY CREEK ON HIGHWAY 14 AT STATESVILLE, AUTAUGA COUNTY, ALABAMA, THE "BILL NICHOLS BRIDGE".

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 9. COMMENDING MR. DAVID D. ROBERTS OF MOBILE, PRESIDENT ELECT OF THE NATIONAL ASSOCIATION OF REALTORS FOR 1984.

Also:

H. J. R. 18. COMMENDING DR. J. MICHAEL SPROTT FOR MERITORIOUS SERVICE WITH AUBURN UNIVERSITY'S EXTENSION PROGRAM.

Also:

H. J. R. 35. COMMENDING MR. AND MRS. VIRGIL HUBBERT ON THEIR FIFTIETH WEDDING ANNIVERSARY.

Also:

H. J. R. 36. COMMENDING EMMA SANSOM'S FREDDIE WEYGAND, STATE 3A PLAYER OF THE YEAR.

Also:

H. J. R. 38. MOURNING THE DEATH OF THE REVEREND R. LEE FRANKLIN OF MILLBROOK, ALABAMA.

Also:

H. J. R. 39. COMMENDING MRS. ELLEN ADAMS FOR OUTSTANDING SERVICE IN THE HEALTH CARE FIELD.

McDOWELL LEE,
Secretary.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 48, heretofore adopted, the House adjourned until 2:00 o'clock p.m., Tuesday, February 21, 1984.

FIFTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 21, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Gene E. Gilmore, Temple Chapel Baptist Church, Charlotte, North Carolina.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the rules were suspended and the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

REPORT FILED

Pursuant to House Joint Resolution 28, Act No. 83-819, Third Extraordinary Session of the 1983 Legislature, Rep. Tom Butler, Chairman and Sen. Lowell Barron, Vice-Chairman, submitted the report adopted by the Joint Interim Committee to Study the Rising Costs of Medicaid to the State of Alabama, and the report was ordered filed.

BILLS ON SECOND READING

Rep. Goodwin, Chairman of the Standing Committee on Public Utilities and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a

favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 79. (With Amendments): To authorize and make provision for the incorporation of Railroad Authorities as public corporation for the purpose of acquiring, constructing, equipping, improvings, maintaining, developing, and operating railroads, railroad properties and facilities, and other buildings and facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama, as defined, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain powers; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments of construction or purchase contracts; to provide that any county, city, town or other political sub-division, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county, city or town within this State in bonds issued by any such Authority; to provide that bonds issued by any

such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

Rep. Goodwin, Chairman of the Standing Committee on Public Utilities and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 33. To authority the Public Service Commission to grant intrastate charter rights to any common carrier of passengers by motor vehicle regardless if such common carrier holds and operates regular route authority.

Rep. Ford, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 232. To provide for educational assistance benefits for members of the Alabama National Guard.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 239. (With Substitute): Relating to Greene County; to provide for the distribution of the county's share of proceeds from tax revenue imposed by the exclusive statewide uniform local tax on beer as provided for in Section 28-3-190 of the Code of Alabama 1975; to provide for a certain administration commission for the judge of probate; to provide that certain proceeds shall be paid to the judge of probate to be distributed to the county commission to be used for financing either construction or renovation of courthouse and county jail facilities and to provide that such proceeds may be used for lease agreements between the county and public corporations as provided for in Chapter 15 of the Title 11 of the Code of Alabama 1975.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 263. Relating to Geneva County; providing for election of the members of the county commission from districts to be defined on a population basis by the present commission upon referendum approval by the electors of Geneva County.

H. 323. Relating to the municipality of Phenix City, Alabama, so as to provide a procedure for the recall of city councilmen; to provide for the filling of offices vacated due to a recall election; to provide for a referendum regarding this act; to provide for implementation procedure and to provide for certain effective dates.

H. 330. To provide for the salary of the probate judge of St. Clair County and to provide for retroactive effect.

H. 331. Relating to St. Clair County; to provide for additional expense allowances for certain county officials.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 5. NAMING A PORTION OF U. S. HIGHWAY 231, FROM ONEONTA TO ROSA, IN BLOUNT COUNTY, ALABAMA, THE "RAY MARSH DRIVE."

Also:

H. J. R. 21. URGING THE REVENUE DEPARTMENT TO ACCEPT PERSONAL CHECKS FOR ISSUING CERTAIN LICENSES.

Also:

H. J. R. 28. COMMENDING PISGAH HIGH SCHOOL'S CHAMPIONSHIP FOOTBALL TEAM.

Also:

H. J. R. 29. COMMENDING THE CITIZENS OF STEVENSON, ALABAMA, ON THE RESTORATION AND PRESERVATION OF THE STEVENSON RAILROAD DEPOT MUSEUM.

Also:

H. J. R. 30. DESIGNATING THE BELOIT COMMUNITY AS THE RECYCLE CAPITAL OF ALABAMA.

Also:

H. J. R. 31. MOURNING THE DEATH OF MR. OLAF A. SYLTIE OF MOBILE, ALABAMA.

Also:

H. J. R. 34. COMMENDING MR. PERCY ROSS, MINNEAPOLIS, MINNESOTA.

Also:

H. J. R. 53. MOURNING THE DEATH OF CAPTAIN JAMES A. "BUBBA" DAVIS.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Representative Preuitt:

H. 350. To make appropriations for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Representative White (L):

H. 351. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Representatives Nicholson and Brakefield:

H. 352. To make appropriations for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Representative Moore:

H. 353. To amend 1975 Code of Alabama, Section 41-9-71, to conform to current operating procedures and laws which have been revised since passage of this act in 1935.

Committee on Ways and Means.

By Representative Moore:

H. 354. To amend 1975 Code of Alabama, Section 22-52-17, which relates to mental health evaluations and commitments so as to require all probate judges to utilize mental health facilities of the State of Alabama when available.

Committee on Ways and Means.

By Representative Coburn:

H. 355. To make appropriations for financial assistance to non-state agencies for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Representatives Turnham and Rice (With Notice and Proof):

H. 356. Relating to Lee County; providing that travel expense allowances for members of the county commission shall be the same per mile as those in effect from time to time for state employees.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 356, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

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By Representatives Brooks, Beers, Kvalheim, Gaston, Mikell, Hooper, White (G), Starr, Bachus, Gray, Seibels, and McKee:

H. 357. To provide further for the compensation of certain professors and instructors at state four-year institutions of higher learning.

Committee on Ways and Means.

By Representatives Mathis and Grimsley (With Notice and Proof):

H. 358. Relating to Houston County; providing for election of the associate members of the county commission from districts to be defined on a population basis by the present commission upon referendum approval by the electors of Houston County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 358, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Grimsley and Mathis:

H. 359. To amend Sections 27-43-3, 27-43-6, and 27-43-15, Code of Alabama 1975, relating to legal expense insurance, so as to permit certain persons conducting life, accident and sickness insurance business to transact legal insurance business.

Committee on Judiciary.

By Representative Reed:

H. 360. To make appropriations for the support and maintenance of the Tuskegee Institute for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Representatives Cosby, Harper, and Richardson:

H. 361. To provide that all joint resolutions of condolence, designation, commendation, congratulation, setting legislative meeting days or those which are frivolous in nature, enacted by the legislature of Alabama shall not be printed and bound in the Acts of Alabama, and to repeal certain conflicting code provisions.

Committee on State Administration.

By Representatives Coleman, Bachus, Junkins, Sasser, Payne, Hooper, and Newman:

H. 362. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or recinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such ser-

vice; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

Committee on Judiciary.

By Representative Sasser:

H. 363. To amend § 15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor; and to specify the sentences to which this Act applies; to provide what shall be the effect of any holding that such a limitation on parole is ineffective or invalid; and to specify the effective date of this Act.

Committee on Judiciary.

By Representatives Thomas, Blake, Junkins, White (L), Mathis, Johnson (RG), Carothers, Hall, Payne, Coleman, and Zoghby:

H. 364. To amend Section 22-14-5 of the Code of Alabama 1975, which provides for the radiation advisory board of health, so as to provide for appointment of a radiologic technologist to such board.

Committee on Health.

By Representative Hall, Clark (J), Richardson, Campbell, Crow, Carter, Martin, Bowling, Brakefield, and Butler:

H. 365. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

Committee on Judiciary.

By Representative Mitchell:

H. 366. To amend Section 36-7-22, Code of Alabama 1975, relating to mileage allowances for persons traveling on official state business in privately owned vehicles, so as to regulate the designation of official base or station for travel pay purposes.

Committee on Ways and Means.

By Representative Campbell:

H. 367. To adopt and incorporate into the Code of Alabama 1975, all general and permanent laws of the State adopted by the Legislature during the 1983 First and Second Special Sessions and the 1983 Regular Session, as contained in the 1983 Cumulative Supplement to the Code of Alabama 1975, and the 1983 Replacement Volume 17 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

Committee on Judiciary.

By Representative Campbell:

H. 368. To provide that a conviction from any other jurisdiction which

is based on a nolo contendere, "no contest," or any similar plea, shall have the same status, effect, and admissibility in this State as any other conviction; to specify the trials, proceedings, and other matters to which this Act applies; to repeal conflicting laws; to provide for severability; and to provide an effective date for this Act.

Committee on Judiciary.

By Representative Campbell:

H. 369. To amend the definitions contained in § 13A-10-30 [in the criminal code article on escape and related crimes] to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

Committee on Judiciary.

By Representative Campbell:

H. 370. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of \$2,000 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

Committee on Judiciary.

By Representative Blake:

H. 371. To provide for an appeal by the State of Alabama in criminal cases from a decision, order, or judgment of the trial court in certain instances; to provide the procedures applicable to such appeals; and to provide how such appeals are to be governed.

Committee on Judiciary.

By Representative Blake:

H. 372. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

Committee on Judiciary.

By Representative Melton:

H. 373. To amend Sections 34-14-3, 34-14-5, 34-14-6, 34-14-7 and 34-14-11 of the Code of Alabama 1975, which regulate hearing aid dealers and fitters, so as to provide further for license fees, permits and renewals of

same and to provide for certain continuing education requirements for licensees.

Committee on Health.

By Representatives Smith, Poole, Richardson, Clark (J), Newman, White (F), Warren, Kvalheim, Hooper, Flowers, Lindsey, Sasser, Holley, and Blake:

H. 374. To amend Sections 13A-12-170, 13A-12-171, 13A-12-172, 13A-12-175, 13A-12-178, 13A-12-179, Code of Alabama 1975, relating to the sale, exhibition, etc., of pornographic materials to minors; to define and prohibit the display, distribution and exhibition of pornography to minors; to provide for the enjoining of violations of this Act by the circuit courts; to provide for the extradition of persons charged with violations of this Act; to provide for the forfeiture of materials used in violation of this Act; to repeal Section 13A-12-176 and 13A-12-177, Code of Alabama 1975; and to provide severability and effect dates.

Committee on State Administration.

By Representatives Smith, Holley, Poole, Richardson, Clark (J), Newman, White (F), Warren, Kvalheim, Hooper, Flowers, Lindsey, Sasser, and Blake:

H. 375. To amend Code of Alabama 1975, §§ 13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Committee on State Administration.

By Representative Harper:

H. 376. Regulating greyhound racing; prescribing procedure for certifying certain greyhounds; providing for a state breeders license; providing for admission of certain greyhounds to schooling and regular races; and prescribing remedies and penalties for violation.

Committee on Ways and Means.

By Representative Preuitt:

H. 377. Proposing an amendment to the State Constitution relating to Talladega County; to provide for the levy, collection and distribution of a privilege or license tax upon persons and businesses conducting professional sporting contests or events; to provide for the collections of the revenues from said tax; to provide for exemptions; and to provide for penalties for violations.

Committee on Local Legislation No. 1.

The above bill was read a first time a length as required by the Constitution.

By Representatives Nicholson, Mitchell, White (L), Junkins, Newman, Lauderdale, Hall, Cosby, Grayson, Butler, Hettinger, Brakefield, Bowling, White (F), Richardson, and Buskey (James):

H. 378. To provide that the governing body of cities with a population of less than 5,000 shall be given preference on the disposal of certain surplus motor vehicles; to provide that the terms, manner and condition of the donation, sale or lease of such motor vehicles shall be as deemed by the

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state finance director in the best interest of the state; to prescribe that the governing body shall certify annually that the use of such motor vehicles is for municipal purposes; to provide for the final disposition of such property; to prescribe that such motor vehicles shall not be sold by the municipality without reimbursement to the state; to provide certain exemptions; and to provide cumulative effect.

Committee on Ways and Means.

By Representatives Coleman, Dutton, and Newman:

H. 379. To require city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide vehicle liability insurance to cover personal liabilities of moving vehicle accidents for bus drivers or any employee required to transport pupils.

Committee on Ways and Means.

By Representatives Kvalheim, Gaston, Grouby, Brooks, Mitchell, Zoghby, Harper, Cosby, White (G), Beers, Seibels, Sasser, Turner, Mathis, McKee, and Hooper:

H. 380. To repeal Sections 15-19-1 through 15-19-7 of the Code of Alabama 1975, relating to youthful offenders.

Committee on Judiciary.

By Representatives Bowling, Ford, Coleman, Smith, Brakefield, Martin, Holley, Crow, and Browder:

H. 381. To provide for separate specifications for bidding purposes for certain public building contracts in this state and to provide for supplemental effect.

Committee on State Administration.

By Representative McKee:

H. 382. To amend Section 17-5-12 of the Code of Alabama 1975, relating to places of voting so as to provide that the county commission may designate a place of holding elections other than the courthouse in the precinct in which the courthouse is situated.

Committee on Constitution and
Elections.

By Representative Turner (With Notice and Proof):

H. 383. To allow the Mobile County Commission, at their discretion, to grant an expense allowance to the Circuit Clerk and the Circuit Register of the Thirteenth Judicial Circuit, Mobile County, Alabama, beginning in 1984.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 383, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Turner (With Notice and Proof):

H. 384. Relating to the disposal of non-toxic, non-hazardous waste-waters from drilling operations in waters of Mobile County; allowing contractors on drilling rigs to dispose of said waters in the same manner as law provides for disposal in federal waters.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 384, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Turner (With Notice and Proof):

H. 385. Relating to Mobile County, prohibiting the Mobile County Commission from building jails or prisons more than five (5) miles away from the Mobile County Courthouse.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 385, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Turner (With Notice and Proof):

H. 386. To provide for competitive bidding for waste water disposal in the waters of Mobile County.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 386, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Lauderdale, Newman, and Britnell (With Notice and Proof):

H. 387. Relating to Marion County, to provide further for the compensation of the coroner.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 387, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Cosby and Harper:

H. 388. To amend Section 32-6-8, Code of Alabama 1975, which provides for the issuance of temporary instruction and learner's permits for drivers, so as to provide further for the fees for issuance.

Committee on Ways and Means.

By Representatives Cosby and Harper:

H. 389. To amend Section 32-6-17, Code of Alabama 1975, which provides for reinstatement of drivers licenses after suspension or revocation, so as to provide further for the fee for reinstatement.

Committee on Ways and Means.

By Representatives Fuller and Marietta:

H. 390. To provide a test for determining whether a person is not guilty by reason of insanity; to establish that a defendant has the burden of proving insanity; to amend Code of Alabama 1975, Section 13A-3-1; to specify the conduct to which this act applies; and to provide for an effective date.

Committee on Judiciary.

By Representatives Fuller and Marietta:

H. 391. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§ 20-2-2, 20-2-32, 20-2-72, 20-2-80, 20-2-81, and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§ 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Committee on Judiciary.

By Representatives Fuller and Marietta:

H. 392. To amend Code of Alabama 1975, § 22-1-11, relating to Medicaid Fraud, in order to clarify certain elements of the crime; and to provide an effective date.

Committee on Judiciary.

By Representatives Fuller and Marietta:

H. 393. To amend Section 13A-7-40, Code of Alabama 1975, which defines the term "explosives" as it relates to arson, so as to further define such term to include certain fireworks.

Committee on Judiciary.

By Representative Fuller:

H. 394. To amend Section 15-19-1 Code of Alabama 1975, which relates to crimes committed by a minor, so as to provide that a person charged with a capital offense or class A felony is not eligible to be tried as a youthful offender.

Committee on Judiciary.

By Representative Fuller:

H. 395. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

Committee on Judiciary.

By Representatives Tanner and White (F):

H. 396. Relating to the collection of reasonable fees associated with producing criminal offender records for inspection.

Committee on State Administration.

By Representative Holley:

H. 397. To provide for a state income tax refund check-off designation for the support of programs for the aging in Alabama.

Committee on State Administration.

By Representative Fuller and Marietta:

H. 398. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court may preclude the necessity for a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts upon conviction in the adult court; and to, provide an effective date.

Committee on Judiciary.

By Representative Dutton (With Notice and Proof):

H. 399. Relating to Lawrence County; to amend Act No. 79-84, H. 48, 1979 Regular Session (Acts 1979, p. 109), which act provides for an expense allowance for the county coroner, so as to provide further for said allowance.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 399, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representative Dutton (With Notice and Proof):

H. 400. Relating to Lawrence County; to provide that the sheriff shall be entitled to the allowances payable by the State, counties and municipalities for feeding prisoners; and to provide that the provisions of this Act shall have retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 400, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Representatives Mikell, Butler, Poole, Gray, White (G), Hooper, Brooks, and Starr:

H. 401. This bill authorizes the Health Department to charge fees to reimburse the cost of laboratory analyses and services provided that are not otherwise specified for the Health Department to perform by law.

Committee on Health.

By Representatives Butler, Lindsey, Burke, Carter, Mikell, White (L), Johnson (RG), Preuitt, Junkins, Bugg, Nicholson, and Laird:

H. 402. To authorize the State Board of Health to designate the services rendered by the State and Local Health Departments for which a reasonable fee may be charged. The State Board of Health is further required to set a maximum fee for each service. The local board of health may set fees for services, not to exceed the maximum set by the State Board of Health. The local board of health may charge and collect such fees. No citizen shall be deprived of any service because that person is indigent.

Committee on Health.

By Representative Rains:

H. 403. To amend Section 16-33-4, Code of Alabama 1975, relating to the Educational Benefits for Dependents of Blind Parents so as to eliminate the family income monetary restrictions used to determine the dependents' eligibility for nonpayment of instructional tuition for fees.

Committee on Ways and Means.

By Representative Tanner and Moore:

H. 404. To further reapportion House District 40 and House District 41 of the Alabama legislative based upon the 1980 census.

Committee on Judiciary.

By Representatives Beers, Bachus, Gray, White (G), Butler, Rogers, Trammell, Payne, Pratt, Horn, Perdue, Tanner, Adams, Kvalheim, Brooks, Gaston, Turner, Cosby, Boles, McKee, and Mikell:

H. 405. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years of age to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

Committee on Health.

By Representatives Campbell and Cosby:

H. 406. To amend Section 10-4-109, Code of Alabama 1975, relating to the regulation of rates, charges, fees and dues to be paid by the public for certain health care service plans, so as to require that payments made by such health care service plans to health care facilities shall be made based on charges rather than audited costs.

Committee on Judiciary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 9. COMMENDING MR. DAVID D. ROBERTS OF MOBILE, PRESIDENT ELECT OF THE NATIONAL ASSOCIATION OF REALTORS FOR 1984.

Also:

H. J. R. 18. COMMENDING DR. J. MICHAEL SPROTT FOR MERITORIOUS SERVICE WITH AUBURN UNIVERSITY'S EXTENSION PROGRAM.

Also:

H. J. R. 19. MOURNING THE DEATH OF MR. E. L. STEWART OF TALLADEGA, ALABAMA.

Also:

H. J. R. 20. REQUESTING THE GOVERNOR TO PROCLAIM THE WEEK OF MAY 7, 1984, AS ALABAMA SMALL BUSINESS WEEK.

Also:

H. J. R. 23. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE IRA DRAYTON PRUITT OF LIVINGSTON, ALABAMA.

Also:

H. J. R. 27. NAMING THE BRIDGE ACROSS LITTLE MULBERRY CREEK ON HIGHWAY 14 AT STATESVILLE, AUTAUGA COUNTY, ALABAMA, THE "BILL NICHOLS BRIDGE."

Also:

H. J. R. 35. COMMENDING MR. AND MRS. VIRGIL HUBBERT ON THEIR FIFTIETH WEDDING ANNIVERSARY.

Also:

H. J. R. 36. COMMENDING EMMA SANSOM'S FREDDIE WEYGAND, STATE 3A PLAYER OF THE YEAR.

Also:

H. J. R. 38. MOURNING THE DEATH OF THE REVEREND R. LEE FRANKLIN OF MILLBROOK, ALABAMA.

Also:

H. J. R. 39. COMMENDING MRS. ELLEN ADAMS FOR OUTSTANDING SERVICE IN THE HEALTH CARE FIELD.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Rep. Coburn:

H. J. R. 56. DESIGNATING THE PLACE OF MEETING OF THE ALABAMA LEGISLATURE AND AMENDING SJR 2, ACT NO. 83-850, FOURTH SPECIAL SESSION 1983.

WHEREAS, The Alabama State Capitol is to be repaired, renovated and restored beginning January 1, 1984, and

WHEREAS, Act No. 82-331 authorizes the Legislature to provide a suitable meeting place for the transaction of business while the Capitol is being repaired, renovated and restored; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the seventh floor of the Alabama Highway Department Building is hereby designated as the place of meeting for the Senate of the State of Alabama and the fifth floor of the Alabama Highway Department Building is hereby designated as the place of meeting of the Alabama House of Representatives beginning with any Session after the 1984 Regular Session. The Senate and House of Representatives will occupy the fifth, sixth and seventh floors of the Alabama Highway Department Building and any portion of the fourth floor of said building as may be needed for the transaction of any official legislative business and duties beginning January 1, 1984.

BE IT FURTHER RESOLVED, that the fifth, sixth and seventh floors and any portion of the fourth floor as may be necessary of the Alabama Highway Department Building shall be designated and known as the Alabama State House pursuant to Act No. 82-331.

On motion of Rep. Coburn, the rules were suspended and the resolution H. J. R. 56, was adopted.

REPORT FILED

Pursuant to House Joint Resolution 24, Act No. 83-72, First Extraordinary Session of the Legislature and House Joint Resolution 125, Act No. 83-962, Fourth Extraordinary Session of the Legislature, Senator Hinton Mitchem, Co-Chairman, and Rep. Tom Coburn, Co-Chairman, submitted the report of the Joint Interim Committee on Finances and Budgets, and the report was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Holmes:

H. J. R. 57. WHEREAS, it has been the policy of the U.S. Government to respect all nations of the world; and

WHEREAS, the United States Government has exerted every effort to promote peace and harmony among the various nations of the world working through the United Nations; and

WHEREAS, the United States Government has attempted to bring harmony to the Egyptian Government through the Camp David Accord and also has provided substantial economic and financial assistance to Egypt; and

WHEREAS, the Egyptian Minister of Culture has insulted many Americans and particularly black Americans and has also placed an economic ban on one of our largest movie industries; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a recent statement made by the Egyptian Minister of Culture banning all Columbia pictures from being shown in the country of Egypt because they selected a black American to play the part of Anwar Sadat in a recent film produced by Columbia Pictures, was insulting to all Americans and particularly black Americans.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Egyptian Ministry in Washington D. C. and also to the Alabama Congressional Delegation.

On motion of Rep. Holmes, the rules were suspended and the resolution H. J. R. 57, was adopted.

CO-SPONSOR ADDED

Permission was granted for Rep. Cosby to be added as co-sponsor to the resolution, H. J. R. 57.

Also:

By Rep. Bugg:

H. J. R. 58. MOURNING THE DEATH OF FIRE CHIEF DON WILEY AYERS OF REECE CITY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of Fire Chief Don Wiley Ayers of Reece City, Alabama, on January 19, 1984, at the early age of just 47 years;

WHEREAS, a native and lifelong resident of Etowah County, and, by profession a pharmacist associated with Baptist Memorial Hospital, Mr. Ayers was serving his second term as chief of the Reece City Volunteer Fire Department, the organization he was instrumental in establishing some nine years ago; and

WHEREAS, Mr. Ayers, who also was a former city councilman, lived only to serve the community he loved so well; this love for his home town and fellow citizens was demonstrated time and again through his works, his leadership and even self-sacrifice on behalf of others; and

WHEREAS, the death of Don Wiley Ayers has indeed left a deep void in the lives and hearts of all those he so greatly benefited during his lifetime; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we grieve, we give thanks for the life and service of Mr. Don Wiley Ayers of Reece City, Alabama; we further extend our very deepest sympathy to his daughter and son, Shannon and Brandon Ayers, and to other family members to whom a

copy of this resolution shall be sent in expression of our concern for them in their time of such deep sorrow.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 58, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 59. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, February 21, 1984, we adjourn to meet again on Thursday, February 23, 1984, at 10:00 A.M.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 59, was adopted.

Also:

By Rep. Buskey (James), Kennedy and Cosby:

H. J. R. 60. HONORING THE LATE FRANK P. THOMAS, JR., PROMINENT ALABAMA NEWSPAPER EDITOR AND PUBLISHER.

WHEREAS, On October 22, 1983, the late Frank P. Thomas, Jr., was inducted into the Alabama Newspaper Hall of Honor in posthumous recognition of his prominence in the newspaper field; and

WHEREAS, Mr. Thomas, founder and editor of the Tuscaloosa Alabama Citizen, Selma Citizen and Mobile Beacon, entered the newspaper field as a young newsboy in 1921 for the Birmingham Truth and the Birmingham Age Herald; and

WHEREAS, in the 1930's, as a student, Mr. Thomas was editor of the Stillman College paper, while working also for the Atlanta Daily World, Tuscaloosa World and the Tuscaloosa News; he founded his first paper in 1943 upon his return as a disabled veteran of World War II; and

WHEREAS, his first success with the Alabama Citizen prompted his establishment of the Selma Citizen and later the Mobile Beacon in 1954; and

WHEREAS, Editor-Publisher Thomas was professionally associated with Sigma Delta Chi and the Mobile Press Club; the Beacon was a member of the Alabama Press Association, and of the National Newspaper Publishers Association which honored Mr. Thomas in 1972 as Publisher of the Year; and

WHEREAS, Mr. Thomas' activities and involvement extended further to include numerous civic, charitable and religious endeavors, in leadership association and capacity, and he was prominent both locally and statewide in the National Association for the Advancement of Colored People; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby pay tribute to the accomplishments of the late Frank P. Thomas, Jr., of Mobile, Alabama; we further note with utmost commendation his induction into the Alabama Newspaper Hall of Honor and direct that his family receive a copy of this resolution in expression of our sincerest regard of his extraordinary achievement.

On motion of Rep. Buskey (James), the rules were suspended and the

resolution, H. J. R. 60, was adopted.

Also:

By Rep. Blakeney:

H. J. R. 61. COMMENDING THE THOMASVILLE, ALABAMA, JUNIOR WOMEN'S CLUB FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, when it was learned that young Megan Smith of Thomasville, Alabama, could not survive without a liver transplant, the local Junior Women's Club resolved to raise the necessary \$80,000.00 to pay anticipated medical expenses for Megan; and

WHEREAS, after placing the first news story in the *Thomasville Times* on June 23, 1983, the 17 members of the Thomasville Junior Women's Club initiated their fund-raising drive which reached \$2,277.89 on July 7, 1983; and

WHEREAS, the membership, totally committed to their project, then redoubled their efforts to help little Megan Smith, dedicating their time, energy and talents to reaching their goal of \$80,000 from a small town with a population of just 4500; and

WHEREAS, the Megan Smith story, however, transcended local bounds and donations were being made both statewide and nationally; and

WHEREAS, by August 13, 1983, "Megan Smith Day" as proclaimed by Governor George Wallace and Thomasville Mayor Nathan Stephens, the fund reached more than \$200,000 and today totals in excess of \$300,000; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Thomasville Junior Women's Club for outstanding accomplishment; we sincerely praise the membership for their dedicated and unselfish efforts on behalf of young Megan Smith, and direct that the Club receive a copy of this resolution in small token of our highest regard.

On motion of Rep. Blakeney, the rules were suspended and the resolution, H. J. R. 61, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 62. COMMENDING MR. AND MRS. ROBERT L. SMITH OF TALLAHATTA SPRINGS ON THE OCCASION OF THEIR 74TH WEDDING.

LEAVE OF ABSENCE

At the request of Rep. McNair, leave of absence was granted for Rep. McDowell.

RESOLUTION

The following resolutions were introduced:

By Reps. Drake and Coburn:

H. J. R. 63. REQUESTING PRESIDENTIAL CANDIDATE WALTER MONDALE TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to Presidential Candidate, Mr. Walter Mondale, to address the Alabama Legislature on Thursday, March 1, 1984, and that the Legislature convene in joint session at 10:30 a.m. on said date to hear Mr. Mondale's remarks.

BE IT FURTHER RESOLVED, That in hopeful anticipation of Mr. Mondale's acceptance, we hereby direct the Clerk of the House to inform Mr. Mondale, by copy of this resolution, of this invitation of the Legislature.

On motion of Rep. Coburn, the rules were suspended and the resolution, H. J. R., was adopted.

Also:

By Reps. Carter, Grouby and Smith:

H. J. R. 64. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE STATE PARKS.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the Alabama state parks. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the officer shall be elected at the first meeting by the members of the committee. The committee shall study all facets of our state park system including but not limited to the maintenance of existing facilities.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1985 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants draw on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 64, was adopted.

Also:

By Rep. Mitchell:

H. J. R. 65. NAMING THE MAINTENANCE SHOP BUILDING AT

THE NORTHPORT NATIONAL GUARD ARMORY THE "GEORGE H. MAYFIELD MAINTENANCE SHOP."

WHEREAS, Master Sergeant George Hugh Mayfield retired from the Alabama National Guard on December 16, 1982, following 34 years, six months and 25 days of military service including some three years active duty with the United States Army during World War II; and

WHEREAS, Sergeant Mayfield's December 31, 1982, retirement from the Alabama National Guard Technician Force, as organizational maintenance shop foreman, OMS #9, Northport, Alabama, concluded 31 years, six months and 25 days of technician service; and

WHEREAS, Sergeant Mayfield, a qualified rifleman and carbine sharpshooter, received numerous decorations and citations during his distinguished military career and he has been most particularly cited for meritorious service as organizational Maintenance Shop Chief from 1953 to 1982, during which time his commendable performance of duty and deep sense of personal honor reflected great credit upon himself and the Alabama National Guard; and

WHEREAS, in appreciation for outstanding service and in tribute to his many contributions as organizational maintenance shop foreman, it is entirely fitting that Sergeant Mayfield be appropriately honored by the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the maintenance shop building at the Northport National Guard Armory, the "George H. Mayfield Maintenance Shop."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said building as the "George H. Mayfield Maintenance Shop."

RESOLVED FURTHER, That Sergeant Mayfield receive a copy of this resolution as a memento of this honorary designation of the Alabama Legislature.

On motion of Rep. Mitchell, the rules were suspended and the resolution, H. J. R. 65, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 4. URGING THE OBSERVANCE OF GRANDPARENT'S DAY IN ALABAMA.

Also:

S. J. R. 5. COMMENDING MISS VALERIE RHEA BENDALL AS NATIONAL MAID OF COTTON.

Also:

S. J. R. 6. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE TRAM SESSIONS.

Also:

S. J. R. 10. NAMING THE BRIDGE ACROSS LITTLE MULBERRY CREEK ON HIGHWAY 14 AT STATESVILLE, AUTAUGA COUNTY, ALABAMA, THE "BILL NICHOLS BRIDGE."

Also:

S. J. R. 13. COMMENDING THE AUBURN UNIVERSITY TIGERS AS THE NUMBER ONE COLLEGIATE FOOTBALL TEAM IN AMERICA.

Also:

S. J. R. 14. REQUESTING THE GOVERNOR TO PROCLAIM THE WEEK OF MAY 7, 1984, AS ALABAMA SMALL BUSINESS WEEK.

Also:

S. J. R. 19. COMMENDING MR. THERMON PHILLIPS, A DISTRICT DIRECTOR OF U. S. STEEL.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

S. 68 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 68, from the Standing Committee on State Administration to the Standing Committee on Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Kvalheim:

H. J. R. 66. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE PURCHASE OF A PORTION OF DAUPHIN ISLAND.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the feasibility of the purchase by the State of certain areas of Dauphin Island. The committee shall specifically study all aspects of purchasing approximately 8 miles on the western end of Dauphin Island, including but not limited to the availability of funding, the exact description of the land involved and the area's usage after purchase by the State. Said committee shall be composed of six members, three members to be appointed by the President of the Senate and three members to be appointed by the Speaker of the House of Representatives. The chairman and vice chairman shall be selected from among the membership.

Upon request of the chairman, the Secretary of the Senate and Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be enti-

tled to his regular legislative compensation, his per diem and travel expenses incurred within the State for each day he attends a meeting of the committee when the legislature is not in session or when the legislature is in recess without pay. Such sums shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman; provided, however, the total of such sums shall not exceed \$7,000.00.

The resolution, H. J. R. 66, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Ford and Coleman:

H. J. R. 67. CREATING A JOINT INTERIM LEGISLATIVE CHILDREN AND YOUTH STUDY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Legislative Children and Youth Study Committee. The committee is to be composed of eight (8) members; four (4) to be appointed by the President of the Senate from Senate membership and four (4) House members which consist of the Representatives who attended the Southern Legislators' Conference on Children and Youth at Williamsburg. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

The committee shall study all aspects concerning law that would affect children from birth through adolescence. Areas of interest should emphasize, but not be limited to, day care, child labor laws, abuse, safety, health, mental health, crippled children's service and justice.

The National Conference of State Legislatures Advisory Committee on Children and Youth has asked for this study to be conducted in Alabama as well as the Alabama Chapter of American Academy of Pediatrics.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's chairman. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed \$15,000.

The resolution, H. J. R. 67, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Gaston, Kvalheim, and Zoghby:

H. J. R. 68. RECOGNIZING RETIRED POLICE CHIEF WINSTON JONES ORR OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE.

WHEREAS, The Alabama Legislature notes with commendation the outstanding law enforcement career of Chief Winston Jones Orr of Mobile,

Alabama, from April 1951 until his retirement on January 3, 1984; and

WHEREAS, during his prestigious tenure and prior to his promotion to Chief in 1981, Chief Orr headed every major division—Patrol, Traffic and Criminal Investigation—of the Mobile Police Department; and

WHEREAS, a United States Army veteran who served with the Occupation Forces in Japan, Chief Orr is a graduate of Northwestern Traffic Institute and a member of both the Fraternal Order of Police and the International Association of Chiefs of Police; and

WHEREAS, he also is past president of the Alabama Association of Chiefs of Police, member of the board of directors and a past president of Penelope House, and serves on the board of directors of the Southwest Alabama Council on Alcoholism; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of Mobile, Alabama, in expressing deepest gratitude for the dedicated, laudable and long time service of Police Chief Winston Jones Orr.

BE IT FURTHER RESOLVED, That Chief Orr receive a copy of this resolution bespeaking the sincere warm praise and highest regard of the Alabama Legislature.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 68, was adopted.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 69. COMMENDING MS. BARBARA ELY PRUDHOMME OF MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature notes with highest commendation the selection of Ms. Barbara Ely Prudhomme of Mobile, Alabama, as Mobile's Handicapped Professional Career Woman for 1983-84; and

WHEREAS, Ms. Prudhomme, who holds the Bachelor and Master of Arts degrees from the University of South Alabama, currently serves as Assistant to the Director of Human Resources at Quality Micro Systems; and

WHEREAS, her extraordinary career also includes former tenures as counselor with the Southeast Alabama Rehabilitation Center; psychologist, teacher, resident counselor and rehabilitation team captain at the Albert P. Brewer Developmental Center; and job search counselor with the Equal Opportunities Pilot Program from Mobile and Baldwin Counties; and

WHEREAS, Ms. Prudhomme's affiliations include the National Rehabilitation Association, Work Adjustments Association for Vocational Educators and Saint Dominic's Catholic Church; she further is the recipient of the M. O. Beale Scroll of Merit, the President's Committee on the Employment of Handicapped Award, and she was selected to carry an Olympic Torch for the 1984 Games; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Ms. Barbara Ely Prudhomme of Mobile, Alabama, for outstanding achievement; we further congratulate her as Mobile's Handicapped Professional Career Woman for 1983-84 and direct that she receive a copy of this resolution evidencing our highest regard for her accomplishments.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 69, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senators Smith (J), Denton, Smith (B), Cooley and Barron:

S. 120. To authorize and make provision for the incorporation of Railroad Authorities as public corporation for the purpose of acquiring, constructing, equipping, improving, maintaining, developing, and operating railroads, railroad properties and facilities, and other buildings and facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities, which are being abandoned by any railroad pursuant to final ICC authority; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama, as defined, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain powers; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments of construction or purchase contracts; to provide that any county, city, town or other political sub-division, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenue then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of

indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county, city or town within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 120. Public Utilities and Transportation.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 28. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology as provided in Sections 34-26-1 through 34-26-48, Code of Alabama 1975, and the Legislature's concurrence thereof.

Also:

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 29. Relating to the Alabama Sunset law; to continue the existence and functioning of the Alabama State Board of Public Accountancy as provided in Sections 34-1-1 through 34-1-22, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 31. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Service as provided in Sections 34-13-1 through 34-13-31, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 32. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 33. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Alcoholic Beverage Control Board as provided in Sections 28-3-40 through 38-3-53, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 34. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department as provided in Sections 27-2-1 through 27-2-55, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 35. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 36. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pilotage Commissioners as provided in Sections 33-4-1 through 33-4-14, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 37. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Public Service Commission as provided in Sections 37-1-1 through 37-1-157, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Senators Corbett, Covington, Dixon, Holmes, Menton and Bennett:

S. 38. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Professional Entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons examining board as provided in Sections 2-28-1 through 2-28-12, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 41. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbing Examiners Board as provided in Section 40-12-145, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 43. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 44. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Nursing as provided in Sections 34-21-1 through 34-21-26, Code of Alabama 1975, and the legislature's concurrence thereof.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 28. State Administration.
- S. 29. State Administration.
- S. 31. State Administration.
- S. 32. State Administration.
- S. 33. State Administration.
- S. 34. State Administration.
- S. 35. State Administration.
- S. 36. State Administration.
- S. 37. State Administration.
- S. 38. State Administration.
- S. 41. State Administration.
- S. 43. State Administration.
- S. 44. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senators Corbett, Covington, Dixon, Holmes, Menton and Bennett:

S. 27. Relating to the existence and functioning of the state board of Social Work Examiners provided for in Section 34-30-50, et seq. of the Code of Alabama 1975, amends Section 34-30-29 so as to specify the period of time for continuing supervision of licensed bachelor social workers and amends Section 34-30-56 so as to require publications of notice of meetings.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 27. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senators Mitchem, Little, Foshee, Strong, deGraffenried, Denton, Smith (B), Corbett, Dixon, Barron, Covington, Bedsole, Hand, Bailey, Bennett, Teague, Dial, Menton, Aldridge, Ellis, Smith (J), Langford, Cabaniss, Holmes, Cooley, Parsons, Hilliard, Pearson, Goodwin and Amari:

S. 54. To provide further for funding of legislative services and to establish procedures therefor.

WHEREAS, operational expenses and all other financial obligations of the Legislature are derived from the state's General and Special Educational Trust Funds and must therefore be budgeted in advance, as is the case with all state departments similarly funded; and

WHEREAS, the Legislature, however, and perhaps more often than any other department or agency, is required by law to respond to emergency situations which can neither be foreseen nor budgeted in advance; and

WHEREAS, most particularly in recent years, the Legislature, through no fault of its own, has been increasingly faced with situations of an emergency nature including but not limited to numerous unplanned extraordinary sessions and the subsequent costs thereof; and

WHEREAS, the Legislature, in order to meet such financial obligations, has therefore been forced to pass supplemental appropriation bills; this of course places demands upon both the General Fund and the Special Educational Trust Fund with the attendant risk of proration, a situation abhorrent to the citizenry of this state; and

WHEREAS, in a sincere effort to eliminate the ongoing and ever-increasing problems relative to legislative funding, it is the intent of this Act to provide a funding formula that is both workable and responsible; now therefore,

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 54. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Joint Resolution and sends same herewith to the House:

By Senator Holmes:

S. J. R. 27. CREATING A BUSINESS AND LABOR POLICY GROUP TO STUDY VARIOUS ASPECTS AFFECTING SMALL BUSINESSES.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 27, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Little:

S. J. R. 21. DESIGNATING FEBRUARY 25, 1984, AS "MRS. ELLEN ADAMS APPRECIATION DAY" IN ALABAMA.

Also:

By Senators Little, Dial, and Corbett:

S. J. R. 22. MOURNING THE DEATH OF JUDGE O. D. AL-SOBROOK OF LAFAYETTE, CHAMBERS COUNTY, ALABAMA.

Also:

By Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Menton, Mitchem, Parson, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 26. DESIGNATING 1984 AS 4-H CLUB DIAMOND ANNIVERSARY YEAR IN ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the

House concurred in and adopted the resolutions, S. J. R. 21, S. J. R. 22, and S. J. R. 26, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Rep. Campbell:

H. J. R. 70. WHEREAS, the Judicial System of the United States has developed into an overly expensive, overly time consuming, inefficient and inadequate method of enforcing the laws of the United States of the various states and in insuring the rights and privileges of the citizens of this country, and

WHEREAS, the Judiciary, the Bar Association, and lawyers and judges as a whole have suffered and are suffering tremendous slippages in public esteem and public approval, and

WHEREAS, the Governor of the State of Alabama, governors of other states, and the Chief Justice of the United States Supreme Court have, both publicly and privately expressed sincere and serious concerns over developments that have taken place in the judicial system of the United States, and

WHEREAS, it is difficult, if not impossible for any individual state to make meaningful improvements in their individual judicial systems, without such improvements being coordinated with improvements in the entire judicial system of the United States, and

WHEREAS, the citizens of the greatest nation on earth are entitled too a judicial system which is equally great, but which obviously does not exist at the present time, and

WHEREAS, it is past the time for meaningful judicial reform to take place in the United States, which reforms must be led by the Congress of the United States and the Executive Department of the United States government, with the several states thereafter implementing appropriate action, and

WHEREAS, this problem is of such magnitude and is of such tremendous negative impact on the lives, freedoms, and well-being of the citizens of the United States that immediate remedial action is dictated.

THEN THEREFORE, BE IT RESOLVED, by the Legislature of the State of Alabama, both houses concurring, and with the approval of the Governor of the State of Alabama, we do hereby implore the President of the United States, and the United States Congress to act immediately, by the appointing of a special panel, task force, or commission to study the entire judicial system of the United States, and the several states, under a charge to fully investigate this matter and to make appropriate findings of fact, suggestions, and recommendations which may be implemented and which will be designed to bring about meaningful affirmative changes in the judicial system of the United States.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Governor, the President of the United States, the Alabama congressional delegation, and the Chief Justice of the United States Supreme Court.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 70, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Mitchem:

S. J. R. 16. HONORING MR. JAMES W. (BILL) JOHNSON OF ALBERTVILLE, ALABAMA.

Also:

By Senator Mitchem:

S. J. R. 17. COMMENDING MR. VELPO MABREY OF GUNTERSVILLE, MARSHALL COUNTY, ALABAMA.

Also:

By Senator Mitchem:

S. J. R. 18. DESIGNATING THE FOURTH WEEK IN APRIL, ANNUALLY, "PUBLIC SCHOOL WEEK" IN ALABAMA.

Also:

By Senators Amari, Hilliard, Bennett, Parsons, and Cabaniss:

S. J. R. 30. COMMENDING RADIO STATION WZZK.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 16, S. J. R. 17, S. J. R. 18 and S. J. R. 30, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Parsons:

S. J. R. 29. STATING LEGISLATIVE AUTHORITY RELATIVE TO ACT NO. 81-889, S. 32, FIRST SPECIAL SESSION, 1981.

WHEREAS, it is the law as prescribed by the Constitution of the State of Alabama that within their respective spheres each branch of government is supreme and only the legislature, under the Constitution of Alabama of 1901, has the power to propose amendments to the Constitution; and

WHEREAS, the legislature hereby finds and declares as follows: that S. 32 of the First Special Session of the 1981 Legislature which was designated Act 81-889, was such a proposed amendment that never received final action and was unfinished business of the 1982 Regular Session of the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do direct that this public

document, along with other papers and documents of the House and Senate shall be kept in accordance with Sections 29-1-15, 29-1-16 and 29-1-17, Code of Alabama 1975, with the records, papers and documents belonging to the legislature, and shall remain there until the legislature dictates otherwise.

RESOLVED FURTHER, That further action on this proposed amendment is improper, unconstitutional, and should be moot.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 29, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Little:

S. J. R. 32. COMMENDING DR. WILFRED BAILEY AS INTERIM PRESIDENT OF AUBURN UNIVERSITY.

Also:

By Senator Little:

S. J. R. 33. DESIGNATING THE WEEK OF FEBRUARY 26, 1984, AS "ALABAMA ARTS REFUND WEEK".

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 32 and S. J. R. 33, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Rains:

H. R. 71. COMMENDING MR. BILL JOHNSON OF ALBERTVILLE, ALABAMA, UPON RETIREMENT.

Also:

By Rep. Rains:

H. R. 72. COMMENDING MR. LARRY V. HILLSMAN OF ALBERTVILLE, ALABAMA, MCADA QUALITY DEALER OF THE YEAR.

BILLS ON THIRD READING

And the bill:

H. 175. To provide for purging the lists of registered voters in Taladega County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification. Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Burke, Carter, Clark (D), Cosby, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, Mitchell, Nicholson, Onderdonk, Preuitt, Sasser, Seibels, Starr, Tanner, Venable, Warren, White (F) and Zoghby.

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Nay: Rep. Grayson.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 242. To authorize the Fayette County Board of Health to designate the services rendered by the Fayette County Health Department for which a reasonable fee may be charged. The Fayette County Board of Health is further required to set a maximum fee for each service. The Fayette County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Blakeney, Bowling, Box, Brooks, Browder, Bugg, Burke, Buskey (James), Campbell, Carothers, Carter, Clark (D), Cosby, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, Melton, Mitchell, Newman, Onderdonk, Parker, Preuitt, Rains, Sasser, Seibels, Starkey, Starr, Venable, Warren, White (F), White (G) and Zoghby.

—43

And the bill:

H. 243. To authorize the Lamar County Board of Health to designate

the services rendered by the Lamar County Health Department for which a reasonable fee may be charged. The Lamar County Board of Health is further required to set a maximum fee for each service. The Lamar County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Burke, Buskey (James), Carothers, Carter, Clark (D), Cosby, Crow, Escott, Faulk, Flowers, Ford, Goodwin, Gray, Grimsley, Hall, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Nicholson, Parker, Preuitt, Rains, Rice, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Venable, Warren, White (F) and Zoghby.

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And the bill:

H. 246. Relating to Pike County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1983.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Reps. Bachus, Beers, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Burke, Buskey (James), Buskey (John), Carter, Clark (D), Cosby, Crow, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Marietta, Martin, Mathis, Mikell, Mitchell, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—65

And the bill:

H. 247. Relating to Pike County; to authorize all county law enforcement officers and the municipal law enforcement officers within Pike County to enforce the state's illegal waste dumping statutes to the same extent as Pike County health authorities are empowered to enforce such laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bugg, Burke, Carter, Clark (D), Cosby, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Martin, Melton, Mikell, Mitchell, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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MOTION TO ADJOURN LOST

The motion offered by Rep. Holmes that the House adjourn until 10:00 o'clock a.m., Thursday, February 23, 1984, leaving the Journal open, was lost.

Yeas 28; Nays 52.

Yeas:

Reps. Black, Bryant, Buskey (James), Buskey (John), Clark (D), Crow, Davis, Escott, Goodwin, Grayson, Hammett, Hettinger, Holmes, Horn, Kennedy, Lauderdale, McKee, McNair, Martin, Melton, Parker, Rogers, Spratt, Thomas, Turner, Venable, Warren and White (F).

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Nays:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Burke, Campbell, Carter, Clark (J), Coburn, Cosby, Flowers, Gaston, Gray, Grouby, Hall, Harper, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Laird, McMillan, Marietta, Mathis, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Penry, Poole, Pratt, Rains, Rice, Richardson, Seibels, Smith, Starr, Tanner, Trammell, White (G), White (L) and Zoghby.

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BILLS ON THIRD READING RESUMED

And the bill:

H. 151. Relating to the annexation or de-annexation of town boundaries or corporate boundaries of municipalities of this state, to require that as a prerequisite to the introduction of any bill which seeks to expand, annex, extend, decrease or otherwise alter the boundary of any town or the corporate limits of any municipality of this state, the bill must be accompanied by an official or certified copy of a resolution duly adopted by the affected town or municipal governing body which clearly expresses its desire to have its boundary so altered.

Was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the bill, H. 151:

A BILL
TO BE ENTITLED
AN ACT

Relating to the expansion or extension of town boundaries or corporate boundaries of municipalities of this state, to require that as a prerequisite to the introduction of any bill which seeks to expand or extend the boundary of any town or the corporate limits of any municipality of this state, the bill must be accompanied by an official or certified copy of a resolution duly adopted by the affected town or municipal governing body which clearly expresses its desire to have its boundary so expanded or extended.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bill which seeks to expand or extend the boundary of any town or the corporate limits of any municipality in this state shall, as a prerequisite to introduction, and in addition to any other documents required by law upon introduction, be accompanied by an official or certified copy of a resolution duly adopted by the affected town or municipal governing body which clearly expresses its desire to have its boundary or corporate limit so expanded or extended.

Section 2. If it appears from the official journals of the legislature that such a resolution failed to accompany any such bill, then the bill shall be deemed void ab initio.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Burke, Campbell, Carter, Clark (D), Clark (J), Coburn, Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grimsley, Hall, Harper, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Laird, Lauderdale, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—66

SUBSTITUTE OFFERED

Rep. Payne offered the following substitute to the bill, H. 151 as amended:

A BILL
TO BE ENTITLED
AN ACT

Relating to the annexation of town and unincorporated territorial boundaries or corporate boundaries of municipalities of this state, to require that as a prerequisite to the introduction of any bill which seeks to expand, annex, extend, or otherwise alter the boundary of any town, unincorporated territory, or the corporate limits of any municipality of this state, the bill must be accompanied by an official or certified copy of a resolution duly adopted by the affected county, town or municipal governing body which clearly expresses its desire to have its boundary so altered.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bill which seeks to extend, expand, or otherwise alter the boundary of any town, unincorporated territory, or the corporate limits of any municipality in this state shall, as a prerequisite to introduction, and in addition to any other documents required by law upon introduction, be accompanied by an official or certified copy of a resolution duly adopted by the affected county, town or municipal governing body which clearly expresses its desire to have its boundary or corporate limit so altered.

Section 2. If it appears from the official journals of the legislature that such a resolution failed to accompany any such bill, then the bill shall be deemed void ab initio.

Section 3. The provisions of this Act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Johnson (Roy), the substitute offered by Rep. Payne to the bill, H. 151 as amended, was tabled.

Yeas 53; Nays 19.

Yeas:

Mr. Speaker, Bachus, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bugg, Burke, Carter, Clark (D), Clark (J), Coleman, Davis, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Hammett, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lindsey, McMillan, Marietta, Mathis, Newman, Nicholson, Onderdonk, Penry, Pratt, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Turnham, Warren, White (F), White (G) and Zoghby.

—53

Nays:

Reps. Albright, Beers, Bryant, Buskey (James), Butler, Cosby, Crown, Grayson, Hall, Holmes, Kennedy, Lauderdale, Melton, Parker, Payne, Rains, Reed, Trammell and White (L).

—19

AMENDMENT OFFERED

Rep. Thomas offered the following amendment to the bill, H. 151 as amended:

Amend House Bill 151, as Substituted, on Page 1, Synopsis, line 13, after the period, by adding a new sentence to read as follows:

This bill provides for exemptions of several counties.

Further amend House Bill 151, as Substituted, Page 1, line 27, after the period by adding a new sentence to read as follows:

This bill provides for exemptions of several counties.

Further amend House Bill 151, as Substituted, on Page 2, immediately following line 7, by adding a new Section 3, and renumbering the remaining sections accordingly. New Section 3 to read as follows:

Section 3. The provisions of this Act shall not apply to Morgan, Etowah, Cullman, Tallapoosa, St. Clair, Calhoun, Coosa, Colbert, Dallas, Washington, Clarke, Macon, Hale, Jackson, Lowndes, Madison, Perry, Tuscaloosa, and Wilcox.

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Buskey (James) to postpone the bill, H. 151 as amended, and the pending amendment to the twenty-ninth legislative day, was tabled.

Yeas 53; Nays 25.

Yeas:

Mr. Speaker, Beers, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Burke, Butler, Campbell, Carter, Clark (D), Clark (J), Cosby, Faulk, Gaston, Goodwin, Gray, Grimsley, Harper, Holley, Hooper, Johnson (Roy), Junkins, Kvalheim, Laird, Lindsey, McKee, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Poole, Pratt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Venable, White (G) and Zoghby.

—53

Nays:

Reps. Albright, Bachus, Black, Bryant, Buskey (James), Buskey (John), Crow, Davis, Dutton, Escott, Grayson, Hall, Holmes, Horn, Kennedy, Lauderdale, McNair, Melton, Payne, Rogers, Spratt, Thomas, Warren, White (F) and White (L).

—25

MOTION TO ADJOURN LOST

The motion offered by Rep. Buskey (John) that the House adjourn until 10:00 o'clock a.m., Thursday, February 23, 1984, was lost.

Yeas 36; Nays 46.

Yeas:

Reps. Albright, Biddle, Black, Blake, Bowling, Bryant, Buskey (James), Buskey (John), Clark (D), Crow, Davis, Dutton, Escott, Goodwin, Grayson, Grouby, Hall, Holmes, Horn, Kennedy, Kvalheim, Lauderdale, McNair,

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Mathis, Melton, Mitchell, Parker, Payne, Reed, Rogers, Spratt, Starkey, Thomas, Venable, Warren and White (F.)

—36

Nays:

Mr. Speaker, Bachus, Beers, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Burke, Butler, Campbell, Carter, Clark (J), Coleman, Cosby, Faulk, Gaston, Gray, Harper, Holley, Hooper, Johnson (Roy), Junkins, Laird, Lindsey, McKee, McMillan, Marietta, Mikell, Newman, Onderdonk, Penry, Poole, Pratt, Rains, Rice, Richardson, Seibels, Smith, Starr, Trammell, White (G), White (L) and Zoghby.

—46

H. 151 RESUMED
AMENDMENT TABLED

The question was then on the amendment offered by Rep. Thomas to the bill, H. 151 as amended, and on motion of Rep. Johnson (Roy), the amendment was tabled.

Yeas 54; Nays 25.

Yeas:

Mr. Speaker, Bachus, Beers, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Burke, Butler, Campbell, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Gaston, Goodwin, Gray, Grimsley, Harper, Holley, Hooper, Johnson (Roy), Kvalheim, Laird, Lindsey, McKee, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Poole, Pratt, Rains, Rice, Richardson, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Venable, White (G) and Zoghby.

—54

Nays:

Reps. Albright, Black, Bowling, Bryant, Buskey (James), Buskey (John), Crow, Davis, Dutton, Escott, Hall, Holmes, Horn, Junkins, Kennedy, Lauderdale, McNair, Melton, Payne, Reed, Rogers, Spratt, Thomas, Warren and White (L).

—25

MOTION TO INDEFINITELY POSTPONE

Rep. Buskey (James) offered the motion to indefinitely postpone the bill, H. 151 as amended.

H. 406 RE-REFERRED

No objection being offered the Speaker re-referred the bill, H. 406, from the Standing Committee on Judiciary to the Standing Committee on Health.

ADJOURNMENT

On motion of Rep. McNair and pursuant to the resolution, H. R. 59, heretofore adopted the House adjourned until 10:00 o'clock a.m., Thursday, February 23, 1984.

SIXTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 23, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Ron Sumners, Valley Park Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—104

A quorum was present.

MOTION TO SUSPEND RULES AND ADOPT REPORT
OF STANDING COMMITTEE ON RULES LOST

The motion offered by Rep. Clark (J) to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the fifth legislative day and to adopt the report of the Standing Committee on Rules was lost, lacking a four-fifths vote.

Yeas 41; Nays 29.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Box, Brakefield, Burke, Campbell, Clark (J), Coleman, Cosby, Crow, Faulk, Ford, Fuller, Grimsley, Holley, Johnson (Roy), Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Onderdonk, Payne, Poole, Rains, Richardson, Sasser, Seibels, Smith, Starr, Tanner, Trammell, Venable and Zoghby.

—41

Nays:

Reps. Albright, Black, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Davis, Escott, Gaston, Gray, Grayson, Hall, Hettinger, Horn, Kennedy, Kvalheim, McNair, Perdue, Reed, Rice, Rogers,

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Spratt, Starkey, Thomas, White (F) and White (L).

—29

READING OF JOURNAL

The Speaker directed the Clerk to read the Journal of the House for the fifth legislative day, and the reading commenced.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holmes, the rules were suspended in order to dispense with further reading at length of the Journal for the fifth legislative day.

REPORT OF STANDING COMMITTEE ON RULES ADOPTED

On motion of Rep. Clark (J), the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

REPORT FILED

Pursuant to Section 6.12(a) of Amendment 328, Constitution of 1901, Chief Justice C. C. Torbert, Jr., submitted the findings and recommendations of the Supreme Court as to a need existing for increasing the number of circuit judges in certain of our judicial circuits, and the report was ordered filed.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 73. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That beginning Thursday, February 23, 1984, immediately upon adoption of this Resolution and continuing on subsequent days, the following bill be made the special, paramount and continuing order of business, taking precedence over any other business of the House until such time as said bill is disposed of:

<u>H. B. No.</u>	<u>Sponsor</u>	<u>Title</u>	<u>Page</u>
H. B. 206	Venable et al	2.2% municipal corporation utility tax	41

On motion of Rep. Clark (J), the resolution, H. R. 73, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bill on the Special Order Calendar.

And the bill:

H. 206. (With Substitute): To amend Sections 40-21-53 and 40-21-55 to provide that municipal corporations will also pay the 2.2% utility tax and the additional revenue generated shall be deposited in the general fund.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute

being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-21-53 to provide that municipal corporations will also pay the 2.2% utility tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-21-53, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-21-53. Electric or hydroelectric public utility — Generally. (a) Each person, firm or corporation, including municipal corporations, and any corporations organized under chapters 5, 6 and 7 of Title 37, operating an electric or hydroelectric public utility or gas public utility or any other public or municipal utility now paying the two and two-tenths percent shall be subject to the provisions of this section and shall pay to the state a license tax equal to two and two-tenths percent on each \$1.00 of gross receipts of such public utility for the preceding year; except, that gross receipts from the sale of electricity for resale by such electric or hydroelectric public utilities and gross receipts from the sale of electricity to the person identified in subsection (b) of this section shall be deducted in computing the amount of tax due hereunder. For the first year's business, where an existing electric public utility is taken over, such license tax payable to the state shall be equal to two and two-tenths percent of each \$1.00 of gross receipts for the preceding year of the electric utility taken over, after deduction of gross receipts derived from sales of electricity for resale and gross receipts from the sale of electricity to the persons identified in subsection (b) of this section and less whatever sum the prior operators shall have paid as such license tax on the gross receipts for that year. Where no existing electric public utility is taken over, the license tax for the first year upon such utility shall be based upon the first year's business, computed as provided hereinabove, but shall in no event be less than \$100.00 for the first year's business. Any person, firm or corporation, including municipal corporations, establishing a new electric public utility shall pay to the state the sum of \$100.00 and shall also at the same time execute a bond payable to the state of Alabama to insure payment of whatever sum in addition to such \$100.00 may be due when, at the end of the first year, the amount of gross receipts for the year is ascertainable. Such license tax shall be paid to the department of revenue by check made payable to the treasurer and shall be paid quarterly, one fourth on October 1, one fourth on January 1, one fourth on April 1, and one fourth on July 1, and shall become delinquent on the fifteenth day of each of said months. Payment shall be accompanied by a statement made by the president or other officer of the public utility or by the owner thereof giving the name of the person, firm or corporation, including municipal corporations, owning and operating such public utility and the principal place of business thereof, together with a statement under oath of the amount of gross receipts of such public utility for the preceding year. The books of every person, firm or corporation, including municipal corporations, operating such public utility shall be at all times open to the inspection of the department of revenue. Any person failing to make such sworn statement or willfully making a false statement of the gross receipts of such public utility shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding \$500.00 and shall also forfeit to the state three times the amount of the license for such public utility, but no

license under this schedule shall be paid to the county or counties.”

(b) (1) On or after October 1, 1981 any person who is 62 years of age or older or totally and permanently disabled and such person is head of a household and does not share his or her residence with more than one other adult person who is less than 62 years of age and who receives electricity at such residence from a utility which is subject to the 2.2 percent license tax levied in subsection (a) of this section shall be entitled to qualify, in accordance with the provisions of subdivision (2) of this subsection, for a credit on his or her monthly electric bill in the amount of the exemption from the 2.2 percent license tax with respect to sales of electricity to such person provided in subsection (a) of this section; provided that the combined gross incomes of all persons who live at the residence of such person 62 years of age or older or such totally and permanently disabled person shall not exceed \$12,000.00 annually. Eligibility for this credit applies only to the extent and amount that it is billed to the customers as a normal requirement under its rates.

(2) Any person who seeks to qualify for the credit provided in subdivision (1) of this subsection shall make application to the department of pensions and security in accordance with the rules promulgated by the department of pensions and security for the implementation and enforcement of this section. The department of pensions and security shall periodically notify, in writing, each electric utility in the state which is subject to payment of the 2.2 percent license tax levied in subsection (a) of this section regarding those customers who are entitled to receive the monthly credit. Within 45 days after receipt of notification for such monthly credit the electric utility shall commence providing such credit for gross receipts license tax that otherwise would be billed.

(3) Any person who wrongfully qualifies for such exemption by giving false information shall be guilty of a misdemeanor and upon conviction may be fined not to exceed \$500.00.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall become effective on the first day of the second month following its passage and approval by the Governor or upon its otherwise becoming a law.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Albright to indefinitely postpone the bill, H. 206 and the pending substitute reported by the Standing Committee on Ways and Means, was lost.

Yeas 40; Nays 46.

Yeas:

Reps. Albright, Bowling, Brooks, Browder, Burke, Butler, Carothers, Carter, Clark (D), Coburn, Davis, Escott, Gaston, Goodwin, Grayson, Hall, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Kvalheim, Laird, Lauderdale, McDowell, McKee, McNair, Martin, Mathis, Penry, Pratt, Rains, Reed, Rice, Richardson, Rogers, Spratt, Starkey, Warren and White (L).

Nays:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Boles, Brakefield, Bryant, Bugg, Buskey (John), Clark (J), Cosby, Crow, Faulk, Ford, Gray, Grimsley, Harper, Harvey, Johnson (Roy), Junkins, Kennedy, Lindsey, McMillan, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Preuitt, Sasser, Seibels, Smith, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (G) and Zoghby.

—46

NOTICE IN WRITING

Rep. White (F), filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day a motion will be made to amend the Rules of the House as follows:

Rule 5. The order of business in the House shall be:

~~(1) -- Report of the Committee on Rules.~~

(1) Reports of standing committees of bills or resolutions, which shall be forthwith read by their titles a second time. In the call of committees the Speaker shall call them in their order. If the Speaker does not finish the call of committees before the House passes to other business, he shall resume on the next call where he left off.

~~(2) -- Reports of other standing committees of bills or resolutions, which shall be forthwith read by their titles a second time. In the call of committees the Speaker shall call them in their order. If the Speaker does not finish the call of committees before the House passes to other business, he shall resume on the next call where he left off.~~

(2) Report of the Committee on Rules.

And no further changes.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 56. DESIGNATING THE PLACE OF MEETING OF THE ALABAMA LEGISLATURE AND AMENDING S. J. R. 2, ACT NO. 83-850, FOURTH SPECIAL SESSION 1983.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 33. CREATING THE MADISON COUNTY TAX DISTRIBUTION STUDY COMMITTEE.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 43. COMMENDING MR. THOMAS CLARKE HUCKABEE OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE IN EDUCATION.

Also:

H. J. R. 44. COMMENDING COACH LeVAUGHN HANKS FOR LONG AND DISTINGUISHED SERVICE TO THE YOUTH OF MOBILE COUNTY.

Also:

H. J. R. 46. COMMENDING MISS SHERER HUCKABEE FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 49. COMMEMORATING THE 75TH ANNIVERSARY OF 4-H.

Also:

H. J. R. 50. COMMENDING FORMER ALABAMA CONGRESSMAN ROBERT E. JONES AND INVITING HIM TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

Also:

H. J. R. 51. COMMENDING MR. AND MRS. JAMES ALLEN JOHNSON ON THEIR 50TH WEDDING ANNIVERSARY.

McDOWELL LEE,
Secretary.

H. 206 RESUMED

The question was then on the substitute reported by the Standing Committee on Ways and Means to the bill, H. 206.

SUBSTITUTE OFFERED

Rep. Johnson (R.G.) offered the following substitute to the bill, H. 206, and pending substitute:

A BILL
TO BE ENTITLED
AN ACT

To repeal Section 40-21-53, Code of Alabama 1975, as amended, and which levies a 2.2% public utility license tax on persons, firms and corporations operating an electric or hydroelectric public utility in the state, repeals Section 40-21-54, Code of Alabama 1975, which provides that the 2.2% public utility license tax shall be deductible from and shall not constitute a part of such utility's gross receipts for the purposes of computing the amount due under any state, county or municipal tax, excise, license or fee and repeals Section 40-21-55, Code of Alabama 1975, which provides for the distribution of the revenues from such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-21-53, Code of Alabama 1975, as amended, which levies a 2.2% public utility license tax on persons, firms and corporations operating an electric or hydroelectric public utility in the state, is hereby repealed.

Section 2. Section 40-21-54, Code of Alabama 1975, which provides that all amounts paid by a utility pursuant to the 2.2% public utility license tax, levied under Section 40-21-53, shall be deductible from and shall not constitute a part of such utility's gross receipts for the purpose of computing the amount due under any state, county or municipal tax, excise, license or fee, is hereby repealed.

Section 3. Section 40-21-55, Code of Alabama 1975, which provides for the distribution of revenues derived from the 2.2% public utility license tax levied under Section 40-21-53, Code of Alabama 1975, as amended, is hereby repealed.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Johnson (Roy), the substitute offered by Rep. Johnson (R.G.) to the bill, H. 206, and pending amendment, was tabled.

Yeas 55; Nays 32.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Blake, Blakeney, Boles, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Coburn, Crow, Davis, Escott, Faulk, Ford, Fuller, Gray, Grimsley, Harvey, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Lindsey, McKee, McMillan, McNair, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Penry, Perdue, Poole, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Trammell, Venable, White (G) and Zoghby.

—55

Nays:

Reps. Albright, Bowling, Box, Britnell, Burke, Butler, Carothers, Carter, Clark (D), Cosby, Dutton, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (R.G.), Kvalheim, Laird, Lauderdale, McDowell, Martin, Pratt, Rains, Rice, Richardson, Starkey, Warren and White (L).

—32

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 206, and the substitute was adopted.

Yeas 55; Nays 36.

Yeas:

Mr. Speaker, Beers, Biddle, Blake, Blakeney, Boles, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Grimsley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McKee, McMillan, McNair, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Payne, Poole, Preuitt, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Trammell, Venable, White (F), White (G) and Zoghby.

—55

Nays:

Reps. Albright, Bowling, Box, Britnell, Brooks, Browder, Burke, Butler, Carothers, Carter, Clark (D), Coburn, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Lauderdale, McDowell, Martin, Mathis, Mitchell, Penry, Pratt, Rains, Rice, Richardson, Rogers, Starkey, Warren and White (L).

—36

LEAVE OF ABSENCE

At the request of Rep. Horn, leave of absence was granted for Rep. Perdue.

H. 206 RESUMED

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 206 as amended:

Amend Substitute to House Bill 206, page 4, line 21 after the word "Section" by striking 3 and inserting in lieu thereof 2

And on page 4, line 24, after the word "Section" by striking 4 and inserting in lieu thereof 3

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Hettinger to postpone further consideration of the bill, H. 206 as amended, and pending amendment to the thirtieth legislative day, was tabled.

Yeas 58; Nays 32.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Blake, Blakeney, Boles, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Gray, Grimsley, Harvey, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McMillan, Marietta, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Poole, Preuitt, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (F) and Zoghby.

—58

Nays:

Reps. Albright, Bowling, Box, Britnell, Brooks, Browder, Burke, Butler,

Carothers, Carter, Clark (D), Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Johnson (R.G.), Laird, Lauderdale, McDowell, Martin, Mathis, Parker, Penry, Rains, Reed, Rice, Richardson, Starkey, Warren and White (L).

—32

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Venable to the bill, H. 206 as amended, and the amendment was adopted.

Yeas 53; Nays 14.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Cosby, Davis, Dutton, Escott, Faulk, Ford, Gray, Harvey, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McMillan, Marietta, Martin, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Poole, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, White (F) and Zoghby.

—53

Nays:

Reps. Albright, Bowling, Britnell, Burke, Butler, Carothers, Carter, Hall, McDowell, Mathis, Penry, Rice, Richardson and Warren.

—14

AMENDMENT OFFERED

Rep. Hettinger offered the following amendment to the bill, H. 206 as amended:

On page 1, in the Synopsis and the title, after the words "municipal corporations will also pay" delete the remainder of the sentence and insert in lieu thereof:

a utility tax, the additional revenue shall be deposited in the general fund and to reduce the amount of the tax.

On page 1, line 28, and on page 1, line 31, and on page 3, lines 22 and 26, and on page 4, line 10, delete the phrase "two and two-tenths" or figures "2.2" and insert in lieu thereof:

two and two-tenths .1

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Hettinger to the bill, H. 206 as amended, was tabled.

Yeas 50; Nays 26.

Yeas:

Mr. Speaker, Biddle, Blake, Blakeney, Boles, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Ford, Gaston, Gray, Grimsley, Harvey, Holmes, Horn, Johnson (Roy), Junkins, Kvalheim, Lindsey, Marietta,

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Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Poole, Preuitt, Sasser, Smith, Spratt, Starr, Tanner, Trammell, Turner, White (F) and Zoghby.

—50

Nays:

Reps. Albright, Bowling, Box, Britnell, Brooks, Browder, Butler, Carter, Clark (D), Goodwin, Grayson, Hall, Hammett, Johnson (R.G.), Laird, Lauderdale, McDowell, Martin, Parker, Penry, Rains, Reed, Richardson, Starkey, Warren and White (L).

—26

AMENDMENT OFFERED

Rep. Butler offered the following amendment to the bill, H. 206 as amended:

On page 1, lines 10 and 18, in the Synopsis and title, delete the figure "2.2%" and insert in lieu thereof:

1%

On page 1, lines 29 and 31, delete the language "two and two-tenths" and insert in lieu thereof:

~~two and two-tenths~~ 1.0

On page 2, line 9, delete the language "two and two-tenths" and insert in lieu thereof:

~~two and two-tenths~~ 1.0

On page 3, lines 22 and 26, delete the figure "2.2" and insert in lieu thereof:

~~2.2~~ 1.0

On page 4, line 10, delete the figure "2.2" and insert in lieu thereof:

~~2.2~~ 1.0

AMENDMENT TABLED

On motion of Rep. Venable, the amendment offered by Rep. Butler to the bill, H. 206 as amended, was tabled.

Yeas 50; Nays 37.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Blake, Blakeney, Boles, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gray, Grimsley, Harvey, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McMillan, Marietta, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Poole, Preuitt, Sasser, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Venable, White (F) and Zoghby.

—50

Nays:

Reps. Albright, Bowling, Box, Britnell, Brooks, Browder, Burke, Butler, Carothers, Carter, Clark (D), Coburn, Escott, Goodwin, Grayson, Grouby,

Hall, Hammett, Harper, Hettinger, Holley, Johnson (R.G.), Laird, Lauderdale, McDowell, Martin, Mathis, Melton, Parker, Penry, Rains, Reed, Rice, Richardson, Starkey, Warren and White (L).

—37

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, H. 206 as amended:

I move to amend House Bill No. 206, Page 1, Line 37, by inserting after the word "hereunder" the following:

"So long as Alabama Municipal Electric Authority shall be required to pay a fee to the State in the amount of 2.2% of the gross receipts in lieu of taxes from all electric power sold by the Authority pursuant to section 7 of Act No. 81-681 enacted at the 1981 Regular Session of the Legislature (codified as 11-50A-7, Code of Alabama 1975), each municipal corporation and any corporation organized under Chapters 5, 6 and 7 of Title 37 contracting with Alabama Municipal Electric Authority for electric power shall, with respect to the amount of the license tax computed pursuant to this section, receive a credit against the amount otherwise due hereunder equal to 2.2% of amounts paid by such municipal corporation or corporation organized under Chapters 5, 6 and 7 of Title 37 to Alabama Municipal Electric Authority for electric power."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—86

AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, H. 206 as amended:

Amend Substitute for H.B. 206 on page 4, Section 1, line 20 by adding the following subsection:

(c) All monies collected from municipal corporations shall be deposited in the general fund.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep.

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Cosby to the bill, H. 206 as amended, was tabled.

Yeas 57; Nays 29.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Blakeney, Boles, Brakefield, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Ford, Fuller, Gray, Grimsley, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Lindsey, McDowell, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Poole, Preuitt, Richardson, Sasser, Seibels, Smith, Spratt, Starr, Trammell, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—57

Nays:

Reps. Adams, Albright, Beers, Bowling, Box, Brooks, Browder, Burke, Butler, Carothers, Carter, Cosby, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Kvalheim, McKee, McMillan, Martin, Rains, Rice, Starkey and Warren.

—29

AMENDMENT OFFERED

Rep. Hettinger offered the following amendment #2 to the bill, H. 206 as amended:

In the Synopsis, page 1, line 9, and in the title, page 1, line 18, after the words "corporations", add the words:

not served by the Tennessee Valley Association

In Section 1, in the quoted section 40-21-53, page 1, line 26, after the underlined word "corporations" add the following underlined language:

which are not served by the Tennessee Valley Association, hereinafter referred to as simply "municipal corporations,"

Also in Section 1, page 4 of the quoted Section 40-21-53 on line 15 on page 4 add the following underlined sentence as a continuation of that paragraph:

Municipal corporations served by the Tennessee Valley Association are expressly exempt from the provisions of this section.

AMENDMENT TABLED

On motion of Rep. Venable, the amendment #2 offered by Rep. Hettinger to the bill, H. 206 as amended, was tabled.

Yeas 57; Nays 32.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Gray, Grimsley, Harvey, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, McKee, McMillan, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Poole, Preuitt, Sasser, Seibels, Smith, Spratt, Tanner, Trammell, Turner, Venable, White (F), White (G)

and Zoghby.

—57

Nays:

Reps. Albright, Beers, Box, Britnell, Brooks, Browder, Burke, Butler, Carothers, Carter, Clark (D), Coburn, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Johnson (R.G.), Lauderdale, McDowell, Martin, Parker, Penry, Pratt, Rains, Reed, Rice, Richardson, Starkey, Warren and White (L).

—32

AMENDMENT OFFERED

Rep. Martin offered the following amendment to the bill, H. 206 as amended:

Delete Section 4 on page 4, lines 24, 25, and 26 entirely and in lieu thereof insert the following new underlined Section 4:

Section 4. With respect to said municipal corporations and corporations organized under Chapters 5, 6, and 7 of Title 37, Code of Alabama 1975, included pursuant to this amendatory act, the 2.2% tax shall be phased in as follows:

- (a) On October 1, 1984, .55% of said tax shall become effective.
- (b) On October 1, 1985, an additional .55% of said tax shall become effective.
- (c) On October 1, 1986, an additional .55% of said tax shall become effective.
- (d) On October 1, 1987, the entire 2.2% tax shall become effective.

AMENDMENT TABLED

On motion of Rep. Venable, the amendment offered by Rep. Martin to the bill, H. 206 as amended, was tabled.

Yeas 59; Nays 32.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Boles, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Ford, Fuller, Gaston, Gray, Grimsley, Harvey, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Poole, Pratt, Preuitt, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (F), White (G) and Zoghby.

—59

Nays:

Reps. Albright, Bowling, Box, Britnell, Brooks, Browder, Burke, Butler, Carothers, Carter, Clark (D), Coburn, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Johnson (R.G.), Laird, Lauderdale, McDowell, McKee,

Martin, Parker, Penry, Rains, Rice, Richardson, Starkey, Warren and White (L).

—32

AMENDMENT OFFERED

Rep. Martin offered the following amendment #2 to the bill, H. 206 as amended:

Delete Section 4 on page 4, lines 24, 25, and 26 entirely and in lieu thereof insert the following new underlined Section 4:

Section 4. With respect to said municipal corporations and corporations organized under Chapters 5, 6, and 7 of Title 37, Code of Alabama 1975, included pursuant to this amendatory act, the 2.2% tax shall become phased in as follows:

(a) On October 1, 1984, 1.1% of said tax shall become effective.

(b) On October 1, 1985, the entire 2.2% of said tax shall become effective.

AMENDMENT TABLED

On motion of Rep. Venable, the amendment #2 offered by Rep. Martin to the bill, H. 206 as amended, was tabled.

Yeas 57; Nays 32.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Boles, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Ford, Fuller, Gaston, Gray, Grimsley, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Poole, Pratt, Preuitt, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (F) and Zoghby.

—57

Nays:

Reps. Albright, Bowling, Box, Britnell, Brooks, Browder, Burke, Butler, Carothers, Carter, Clark (D), Coburn, Goodwin, Grayson, Hall, Harper, Hettinger, Hooper, Johnson (R.G.), Laird, Lauderdale, McDowell, McKee, Martin, Parker, Penry, Rains, Rice, Richardson, Starkey, White (G) and White (L).

—32

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Holley offered the motion to reconsider the vote by which the substitute offered by Rep. Johnson (R.G.) to the bill, H. 206 and pending substitute, was tabled, and on motion of Rep. Johnson (Roy), the motion to reconsider was tabled.

Yeas 56; Nays 37.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Boles, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark

(J), Clark (W), Coleman, Crow, Davis, Dutton, Escott, Ford, Gaston, Gray, Grimsley, Harvey, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Poole, Pratt, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Venable, White (F), White (G) and Zoghby.

—56

Nays:

Reps. Albright, Bowling, Box, Britnell, Brooks, Browder, Burke, Butler, Carothers, Carter, Clark (D), Coburn, Cosby, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (R.G.), Laird, Lauderdale, McDowell, McKee, Martin, Parker, Penry, Rains, Reed, Rice, Richardson, Starkey, Warren and White (L).

—37

AMENDMENT OFFERED

Rep. Albright offered the following amendment to the bill, H. 206 as amended:

On page 1, in the Synopsis and the title, after the words "municipal corporations will also pay" delete the remainder of the sentence and insert in lieu thereof:

a utility tax, the additional revenue shall be deposited in the general fund and to reduce the amount of the tax.

On page 1, line 29, delete the phrase "two and two-tenths" and insert in lieu thereof:

two and two-tenths 1.5

AMENDMENT TABLED

On motion of Rep. Venable, the amendment offered by Rep. Albright to the bill, H. 206 as amended, was tabled.

Yeas 60; Nays 37.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Boles, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Ford, Fuller, Gaston, Gray, Grimsley, Harvey, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Poole, Pratt, Preuitt, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (F), White (G) and Zoghby.

—60

Nays:

Reps. Albright, Black, Bowling, Box, Britnell, Brooks, Browder, Burke, Butler, Carothers, Carter, Clark (D), Coburn, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Laird, Lauderdale, McKee, McNair, Martin, Parker, Penry, Rains, Reed, Rice,

Richardson, Starkey, Warren and White (L).

—37

And the bill:

H. 206. To amend Section 40-21-53 to provide that municipal corporations will also pay the 2.2% utility tax.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 58; Nays 40.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Blake, Blakeney, Boles, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Faulk, Gaston, Gray, Grimsley, Harvey, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McMillan, McNair, Marietta, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Poole, Pratt, Preuitt, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (F), White (G) and Zoghby.

—58

Nays:

Reps. Albright, Bowling, Box, Britnell, Brooks, Browder, Burke, Butler, Carothers, Carter, Clark (D), Coburn, Coleman, Flowers, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Laird, Lauderdale, McDowell, McKee, Martin, Mathis, Parker, Penry, Rains, Reed, Rice, Richardson, Starkey, Warren and White (L).

—40

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 74. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, February 23, 1984, we adjourn to meet again on Tuesday, February 28, 1984, at 2:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 74, was adopted.

Also:

By Reps. Johnson (Roy), Cosby, White (F), Box and Turner:

H. J. R. 75. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING OF THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

WHEREAS, the Republic of China is a long-time friend, ally and trade partner of the United States; and

WHEREAS, the Republic of China holds a pivotal, strategic position in

Asia and the Western Pacific which is vitally important to the interest and the defense of the United States; and

WHEREAS, the people of the Republic of China enjoy a democratic way of life, a high standard of living and fundamental human rights; and

WHEREAS, continued friendship and trade with the Republic of China is vitally important to the State of Alabama and the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature, on behalf of the people of Alabama, petition the President to reestablish official governmental relations with the Republic of China, and that we petition the Congress of the United States to take all necessary actions to provide specific security guarantees for the Republic of China.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the President of the United States, the Speaker of the House of Representatives of the United States and to each member of the Alabama Congressional Delegation.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 75, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 75:

Mr. Speaker, Bachus, Beers, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Escott, Gaston, Gray, Grimsley, Grouby, Hall, Hammett, Harper, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillan, McNair, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Venable, White (G) and White (L).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 16. RECALLING ACT NO. 81-889, S. 32 OF THE FIRST SPECIAL SESSION 1981, PROPOSING A CONSTITUTION AMENDMENT ON BUDGETARY MATTERS AND THE LEGISLATIVE PROCESS, FROM THE SECRETARY OF STATE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 16, said Senate amendment being as follows:

STATING LEGISLATIVE AUTHORITY RELATIVE TO ACT NO. 81-889, S. 32, FIRST SPECIAL SESSION, 1981.

WHEREAS, it is the law as prescribed by the Constitution of the State of Alabama that within their respective spheres each branch of government is supreme and only the legislature, under the Constitution of Alabama of 1901, has the power to propose amendments to the Constitution and only the electorate may give viability to such amendments, and the power of the legislature is plenary in the enactment of laws; and

WHEREAS, the legislature hereby finds and declares as follows: that S. 32 of the First Special Session of the 1981 Legislature which was designated Act 81-889, was such a proposed amendment that never received final action and was pending at the close of the business of the 1982 Regular Session of the Alabama Legislature, and the constitution does not provide for carrying over pending legislative business to the next session; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do direct that this public document, along with other papers and documents of the House and Senate shall be kept in accordance with Sections 29-1-16(a)(2), 29-1-16(b) and 29-1-17, Code of Alabama 1975, with the records, papers and documents belonging to the legislature, and shall remain there until the legislature dictates otherwise.

RESOLVED FURTHER, That further action on this proposed amendment is improper, unconstitutional, and should be moot.

And the amendment was adopted.

Yeas 63; Nays 23.

Yeas:

Mr. Speaker, Albright, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Faulk, Ford, Fuller, Goodwin, Gray, Hall, Harvey, Hettinger, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McDowell, Martin, Mathis, Melton, Moore, Newman, Nicholson, Parker, Payne, Pratt, Rains, Reed, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, White (F), White (L) and Zoghby.

—63

Nays:

Reps. Adams, Beers, Box, Cosby, Flowers, Grimsley, Grouby, Hammett, Hooper, Johnson (R.G.), McMillan, McNair, Mikell, Penry, Poole, Preuitt, Rice, Sasser, Seibels, Starr, Venable, Warren and White (G).

—23

And the resolution:

H. J. R. 16. STATING LEGISLATIVE AUTHORITY RELATIVE TO ACT NO. 81-889, S. 32, FIRST SPECIAL SESSION, 1981.

As thus amended, was adopted.

Yeas 68; Nays 22.

Yeas:

Mr. Speaker, Albright, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn,

Coleman, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Pratt, Rains, Reed, Richardson, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, White (F) and Zoghby.

—68

Nays:

Reps. Adams, Box, Cosby, Grimsley, Grouby, Hammett, Hooper, Johnson (R.G.), McMillan, McNair, Mikell, Penry, Poole, Preuitt, Rice, Sasser, Seibels, Starr, Venable, Warren, White (G) and White (L).

—22

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 41. COMMENDING MAJOR BOB R. MILNER FOR MERITORIOUS SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 41, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dial:

S. J. R. 40. COMMENDING THE COLLINSVILLE PANTHERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 40, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Smith (B), Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (J), Strong and Teague.

S. J. R. 42. COMMENDING THE UNIVERSITY OF ALABAMA'S NATIONAL CHAMPIONSHIP CHEERLEADERS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 42, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Goodwin, Holmes, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Hand, Hilliard, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague.

S. J. R. 43. MEMORALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO IMMEDIATELY APPOINT A SPECIAL PANEL, TASK FORCE OR COMMISSION TO STUDY THE ENTIRE JUDICIAL SYSTEM OF THE UNITED STATES.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 43, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senator Bennett:

S. 22. To amend the "Hazardous Waste Management Act of 1978," as amended, specifically amending Sections 22-30-3, 22-30-12, 22-30-13, 22-30-15, 22-30-16, 22-30-17, 22-30-18, 22-30-19 and 22-30-21, Code of Alabama 1975, so as to clarify the definition of disposal and add a definition of transporter; ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval; more fully define the responsible party for permit issuance; require that out-of-state shipments of hazardous waste be transported to and disposed of at only those facilities which have been approved

by the United States Environmental Protection Agency (EPA) or a state pursuant to a hazardous waste management program approved by EPA; clarify the Alabama program's authority to promulgate transporter regulations to protect human health and the environment; clarify the application of trade secret protection; clarify and enlarge the penalties section by amending the civil monetary penalties section, eliminating duplicate criminal liability provisions and clarifying the state's authority to require correction of violations; provide that the 90-day exemption relating to the storage of hazardous waste applies only to on-site storage by the generators of such waste; provides for further regulation of certain transporters; and allow the substitution of proper shipping papers for the manifest for certain transporters.

By Senators Corbett, Covington, Dixon, Holmes, Menton and Bennett:

S. 42. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Liquefied Petroleum Gas Board as provided in Sections 9-17-100 through 9-17-110, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Senator Langford:

S. 79. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1985, and thereafter.

Also:

By Senator Cooley (With Notice and Proof):

S. 248. Relating to Cullman County; to amend the title and Section 1 of Act No. 515, S. 755, 1977 Regular Session (Acts 1977, p. 681), which deals with "flea" markets operating on Sunday, so as to provide for nurseries and other businesses to operate on Sundays during certain business hours and providing that the provision of subsection (c) of Section 1 of this Act relating to businesses other than nurseries shall not become effective until approved at a referendum election held for such purpose.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 248, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By: Senator Corbett:

S. 39. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating and Air Conditioning Contractors as provided in Sections 34-31-8 through 34-31-34, Code of Alabama 1975, and the legislature's concurrence thereof.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 22. Health.
- S. 42. State Administration.
- S. 79. State Administration.
- S. 248. Local Legislation No. 1.
- S. 39. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J):

S. 91. To amend Section 8-8-5 of the Code of Alabama 1975, which relates to interest rates, so as to remove the Sunset or termination date on the provisions of said section as it applies to loans of \$25,000.00 or less.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

- S. 91. Banking.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Drake and Bowling:

H. J. R. 76. COMMENDING MR. N. F. PLUNKETT, JR., NATIONAL TRUCK DRIVER OF THE YEAR.

WHEREAS, N. F. Plunkett, Jr., a native of Cullman County and lifelong citizen of Alabama, has attained an unblemished 37-year, 2.5 million mile accident-free professional truck driving record; and

WHEREAS, he is one of only three out of more than 1,000 professional truck driving employees of his company to attain a 35-year accident-free driving record; and

WHEREAS, his truck driving skills as a 1952 Alabama Truck Rodeo contestant won him the opportunity to compete in the National Truck Rodeo that year; and

WHEREAS, he has twice been distinguished as the Alabama Truck Driver of the Year, in 1979 and again in 1983, by the Alabama Trucking Association; and

WHEREAS, his performance as an employee of Chevron U.S.A., Inc.,

has been otherwise exemplary, as has been his private and family life; and

WHEREAS, he has now been named the National Driver of the Year for 1984, by the American Trucking Associations, bringing credit to himself, his employer, Chevron U.S.A., Inc., the trucking industry, the City of Birmingham (Midfield) and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. N. F. Plunkett, Jr., for his outstanding attainment, and call to wide public attention throughout Alabama his example in the continuing goal of highway safety and the public interest.

BE IT FURTHER RESOLVED, That copies of this resolution be served to the Mayor of the City of Midfield, the Chairman of the Cullman County Commission, the American Trucking Associations, his employer, Chevron U.S.A., Inc., and the Governor of the State of Alabama, The Honorable George C. Wallace.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 76, was adopted.

Also:

By Reps. Horn and Biddle:

H. J. R. 77. COMMENDING THE ALABAMA ASSOCIATION OF THE NATIONAL HONOR SOCIETY.

WHEREAS, the Alabama Association of the National Honor Society is composed of local chapters, statewide, that have been chartered and are endorsed by the national organization; and

WHEREAS, on March 19-26, 1984, AANHS will hold its annual convention at Gardendale High School, Gardendale, Alabama, with National Honor Society members from all schools in Alabama invited to attend and participate; and

WHEREAS, the Gardendale High School Chapter, whose sponsor and convention hostess is Mrs. Dorothy Taylor, will co-host, the event with Birmingham's Glenn High School Honor Society Chapter which is sponsored by Mrs. Elaine Hill, co-hostess with Mrs. Taylor; and

WHEREAS, participating in the program will be Mr. Al Bigger, who currently serves as executive secretary of the Alabama Association of the National Honor Society, an organization to be most highly commended for its recognition of high school academic achievers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express utmost commendation of the Alabama Association of the National Honor Society and direct that a copy of this resolution be prepared for presentation during their March 19-26 meeting at Gardendale High School, Gardendale, Alabama.

On motion of Rep. Horn, the rules were suspended and the resolution, H. J. R. 77, was adopted.

Also:

By Rep. Onderdonk:

H. J. R. 78. DESIGNATING "SPECIES BASILOSARUS CE-

TOIDES," THE ANCIENT WHALE FOSSIL AS THE OFFICIAL ALABAMA FOSSIL.

WHEREAS, the Alabama Legislature notes that the ancient whale "Species Basilosaurus Cetoides," named after the forty million year old whale fossil was discovered in Washington County, Alabama; and

WHEREAS, this ancient whale fossil is most abundant in the State of Alabama, and two of the most comprehensive skeletons of the "Species Basilosaurus Cetoides" were discovered in Alabama, one discovered by Mr. Ronald "Bones" Rhoads and now located in the Red Mountain Museum, Birmingham, Alabama, and the second, a fifty-five foot skeletal exhibit, is on display in the Smithsonian Institute, Washington, D.C.; and

WHEREAS, the Alabama Legislature feels it is most appropriate that the interest in and the study of this ancient aquatic mammal predator, with serrated posterior molars, be encouraged and perpetuated for scientific and historical reasons; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature does hereby designate as the official State of Alabama Fossil the "Species Basilosaurus Cetoides."

RESOLVED FURTHER, That no fossil "Species Basilosaurus Cetoides" shall be removed from the State of Alabama, in whole or in part, except by prior written approval of the Governor.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to the Washington County governing body, the Director of the Department of Archives and History, the Governor and to the Red Mountain Museum, Birmingham, Alabama, for appropriate display.

On motion of Rep. Onderdonk, the rules were suspended and the resolution, H. J. R. 78, was adopted.

MOTION TO ADJOURN LOST

The motion offered by Rep. Holmes that the House adjourn until 2:00 o'clock p.m., Tuesday, February 28, 1984, was lost.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Adams, the rules were suspended in order to take up out of order the bill, H. 323.

And the bill:

H. 323. Relating to the municipality of Phenix City, Alabama, so as to provide a procedure for the recall of city councilmen; to provide for the filling of offices vacated due to a recall election; to provide for a referendum regarding this act; to provide for implementation procedure and to provide for certain effective dates.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bugg, Burke, Butler, Campbell, Clark (D), Clark (J),

Coleman, Cosby, Crow, Faulk, Fuller, Gaston, Gray, Grimsley, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Onderdonk, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Tanner, Trammell, Venable, White (F), White (G), White (L) and Zoghby.

—60

Nays: Reps. Holmes and Pratt.

—2

RESOLUTIONS

The following resolution was introduced:

By Rep. Browder:

H. J. R. 79. COMMENDING JACKSONVILLE STATE UNIVERSITY COACH JIM FULLER.

WHEREAS, Coach Jim Fuller's tenure as head coach at Jacksonville State University encompassed the years 1977-1983, during which time he achieved an overall record of 54-25-0; and

WHEREAS, he further coached JSU to four Golf South Conference titles—in 1977, 1978, 1981 and 1982; he carried the Gamecocks to the NCAA Division II playoffs those same four years, as well as in 1980, with the team finishing second in 1977 and third in 1982; and

WHEREAS, Coach Fuller, named district NCAA Coach of the Year on three occasions and four times selected Gulf South Conference Coach of the Year, developed 15 Little All-American players while at JSU; numerous of his former players have joined the pro ranks while several have themselves become outstanding coaches; and

WHEREAS, though Coach Fuller recently resigned his position at Jacksonville State, we are pleased that his talent and ability remain Alabama assets in his new position as offensive line coach at the University of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Jim Fuller on his outstanding career at Jacksonville State University, 1977-1983; we further wish him every success with the Alabama Crimson Tide and direct that he receive a copy of this resolution, tendered in sincere praise and highest personal regard.

On motion of Rep. Browder, the rules were suspended and the resolution, H. J. R. 79, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Browder:

H. J. R. 80. COMMENDING MR. AND MRS. TED GROGAN OF PIEDMONT, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Browder:

H. J. R. 81. CREATING THE ALABAMA HISTORICAL RECORDS ADVISORY BOARD LEGISLATIVE OVERSIGHT COMMITTEE.

WHEREAS, the Legislature of the State of Alabama recognizes the great importance of identifying, preserving, and using the records which tell the history of the State; and

WHEREAS, the responsibility for the preservation of these records is shared by every citizen, organization, and agency in Alabama, but is a primary responsibility for archives, historical societies, and the manuscript repositories of libraries; and

WHEREAS, the Alabama Historical Records Advisory Board has been established by Governor George Wallace to help coordinate the efforts and improve the effectiveness of these archives, historical societies, and manuscript repositories in the preservation of our documentary heritage; and

WHEREAS, the Alabama Historical Records Advisory Board has received a grant from the National Historical Publications and Records Commission to conduct a detailed analysis of the condition and needs of historical records programs in Alabama for the areas of state government records, local government records, manuscripts, and cooperative records preservation programs; and

WHEREAS, the Legislature of the State of Alabama desires to be better informed about the effectiveness of the programs, many of which are supported with public funds that have been established to preserve Alabama's historical records; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of the State of Alabama does hereby establish the Alabama Historical Records Advisory Board Legislative Oversight Committee to investigate the condition of historical records preservation programs in the State of Alabama by participating in and analyzing the findings of the Historical Records Advisory Board's Assessment Project, and that this committee work with the Historical Records Advisory Board to develop ways to improve the identification, preservation, and use of the historical records resources of this State.

BE IT RESOLVED FURTHER, That the legislative oversight committee hereby created shall consist of three members of the Senate appointed by the Lieutenant Governor and three members of the House appointed by the Speaker.

On motion of Rep. Browder, the rules were suspended and the resolution, H. J. R. 81, was adopted.

H. 232 RECOMMITTED

On motion of Rep. Ford, the Speaker recommitted the bill, H. 232, to the Standing Committee on Military Affairs.

RESOLUTIONS

The following resolution was introduced:

By Reps. Laird, Fuller and Rice:

H. J. R. 82. MOURNING THE DEATH OF JUDGE O. D. AL-

SOBROOK OF LAFAYETTE, CHAMBERS COUNTY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of Judge O. D. Alsobrook of Lafayette, Chambers County, Alabama, on August 2, 1983, at the age of 62 years; and

WHEREAS, Judge Alsobrook, a native of Cusseta, was serving at the time of his death in his 25th year as Chambers County Probate Judge, having begun his fifth six-year term in said elective office in January 1983; and

WHEREAS, Judge O. D. Alsobrook was, in consensus, one of our state's most prominent jurists and was an outstanding American patriot who served his country with courage and distinction during World War II and as a Captain with General George Patton's Third Army; he was a veteran of the Battle of the Bulge, among others, and his decorations included such distinguished citations as the Silver and Bronze Stars; and

WHEREAS, Judge Alsobrook further distinguished himself through involvement in numerous civic, charitable and community affairs, but most particularly in the areas of mental health and retardation; and

WHEREAS, though remembered for his accomplishments, both personal and professional, Judge Alsobrook is remembered most vividly for his love of people and his compassion for the less fortunate, and as a champion for the needs and rights of all mankind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Judge O. D. Alsobrook of Lafayette, Alabama, and extend our deepest sympathy to those whose sorrow we share: his beloved wife and son, Mrs. Virginia Alsobrook and O. D. Alsobrook, III, his other family members and to the citizens of his beloved Chambers County.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 82, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Harvey:

H. R. 83. MOURNING THE DEATH OF MR. J. A. (GENE) BLACKLOCK OF HAYDEN, ALABAMA.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 54. To provide further for funding of legislative services and to establish procedures therefor.

WHEREAS, operational expenses and all other financial obligations of the Legislature are derived from the state's General and Special Educational Trust Funds and must therefore be budgeted in advance, as is the case with all state departments similarly funded; and

WHEREAS, the Legislature, however, and perhaps more often than any other department or agency, is required by law to respond to emergency

situations which can neither be foreseen nor budgeted in advance; and

WHEREAS, most particularly in recent years, the Legislature, through no fault of its own, has been increasingly faced with situations of an emergency nature including but not limited to numerous unplanned extraordinary sessions and the subsequent costs thereof; and

WHEREAS, the Legislature, in order to meet such financial obligations, has therefore been forced to pass supplemental appropriation bills; this of course places demands upon both the General Fund and the Special Educational Trust Fund with the attendant risk of proration, a situation abhorrent to the citizenry of this state; and

WHEREAS, in a sincere effort to eliminate the on-going and ever-increasing problems relative to legislative funding, it is the intent of this Act to provide a funding formula that is both workable and responsible; now therefore,

H. 226. To amend Section 29-4-44 Code of Alabama 1975, which provides for the employment of secretaries employed for the Presiding Officer of each house of the Legislature so as to further provide for additional secretaries.

H. 107. To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

H. 88. To require, in addition to rear tags or plates, the placement of front tags or plates and any attachments thereto on all motor vehicles operated in this state; to require all such tags or plates, front and rear placement, and attachments thereto, to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an additional fee for such tags and reflection standards, and, for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

H. 184. To amend 12-17-143 so as to provide for a reversion to the General Fund of the State of contributions and interest for which no corresponding liability continues to exist under the Clerks' and Registers' Super-numerary Fund.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 208. (With Amendments): To amend Section 16-8-26, Code of Alabama, 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for creditable service for purposes of service retirement for unused accrued sick leave.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 291. (With Substitute): To provide facilities for displaying certain

exhibits in cooperation with the Tennessee Valley Authority; creating the Tennessee Valley Authority Exhibit Commission of Alabama as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 47. Relating to the Alabama Uniform Certificate of Title and Antitheft Act; to amend Section 32-8-41, Code of Alabama 1975, so as to eliminate the requirement of the state department of revenue to issue a non-transferable duplicate certificate of title for mailing to the owner to serve as a permit for the operation of a motor vehicle; and to amend Section 32-8-38, Code of Alabama 1975, so as to provide that the owner's permit copy of the application for certificate of title be retained by the owner as a nonnegotiable document as evidence of ownership and as a permit for the operation of a motor vehicle in order to eliminate the use of a form that duplicates the effects of another form.

H. 327. To make a supplemental appropriation for the current fiscal year ending September 30, 1984, from the Board of Polygraph Examiners fund to the Board of Polygraph Examiners.

H. 62. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1984.

H. 266. To amend Section 1-3-8 of the Code of Alabama 1975, relating to observance of state holidays, so as to provide further for such holidays.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 261. (With Substitute): To provide an additional or alternative remedy to the Reciprocal State Enforcement of Duty to Support Law, Code of Alabama 1975, §§ 30-4-80 through 30-4-98, for the benefit of any person owed the duty of support where said duty arises pursuant to a foreign support order or decree as defined in this Act.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 167. To amend Section 13A-7-29, Code of Alabama 1975, relating to criminal littering, so as to increase the penalties for committing said offense.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substi-

tute, and it was read a second time and placed on the Calendar, to-wit:

H. 16. (With Substitute): To amend Sections 13A-9-13.1 and 13A-9-13.2 of the Code of Alabama 1975, relating to negotiating worthless negotiable instruments, so as to provide further for service charges and penalties for negotiating such worthless instruments.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 284. To amend Section 13A-6-69, Code of Alabama 1975, which provides for the crime of enticing a child to enter a vehicle or house for immoral purposes, so as to provide further for said crime and to create the separate crime of child enticement.

H. 367. To adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the Legislature during the 1983 First and Second Special Sessions and the 1983 Regular Session, as contained in the 1983 Cumulative Supplement to the Code of Alabama 1975 and the 1983 Replacement Volume 17 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 73. (With Substitute): To amend Section 11-3-4.1 Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for such compensation.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 132. To prohibit an insurer authorized to write an individual, group or blanket disability insurance policy from withholding payment on a claim for any benefits under such policy for reason that an insured might have been eligible to have such claim indemnified by workmen's compensation if the insured's employer had elected to be covered under workmen's compensation.

H. 53. To further provide for payroll deductions for state employees.

H. 343. To amend Section 36-26-15 of the Code of Alabama 1975 relating to the state merit system so as to further provide for the military preference during the lay-off of employees in the classified service.

H. 396. Relating to the collection of reasonable fees associated with producing criminal offender records for inspection.

H. 361. To provide that all joint resolutions of condolence, designation, commendation, congratulation, setting legislative meeting days or those which are frivolous in nature, enacted by the legislature of Alabama shall not be printed and bound in the Acts of Alabama, and to repeal certain conflicting code provisions.

H. 259. To amend Section 32-6-231, Code of Alabama 1975, relating to distinctive license plate decals and identification placards issued to handi-

capped persons for use in reserved parking spaces, so as to provide that any such individual may purchase two of such decals and placards.

S. 27. Relating to the existence and functioning of the state board of Social Work Examiners provided for in Section 34-30-50, et seq. of the Code of Alabama 1975, amends Section 34-30-29 so as to specify the period of time for continuing supervision of licensed bachelor social workers and amends Section 34-30-56 so as to require publications of notice and meetings.

S. 28. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology as provided in Sections 34-26-1 through 34-26-48, Code of Alabama 1975, and the Legislature's concurrence thereof.

S. 29. Relating to the Alabama Sunset law; to continue the existence and functioning of the Alabama State Board of Public Accountancy as provided in Sections 34-1-1 through 34-1-22, Code of Alabama 1975, and the legislature's concurrence thereof.

S. 31. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Service as provided in Sections 34-13-1 through 34-13-31, Code of Alabama 1975, and the legislature's concurrence thereof.

S. 32. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, and the legislature's concurrence thereof.

S. 33. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Alcoholic Beverage Control Board as provided in Sections 28-3-40 through 38-3-53, Code of Alabama 1975, and the legislature's concurrence thereof.

S. 34. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department as provided in Sections 27-2-1 through 27-2-55, Code of Alabama 1975, and the legislature's concurrence thereof.

S. 35. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, and the legislature's concurrence thereof.

S. 36. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pilotage Commissioners as provided in Sections 33-4-1 through 33-4-14, Code of Alabama 1975, and the legislature's concurrence thereof.

S. 37. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Public Service Commission as provided in Sections 37-1-1 through 37-1-157, Code of Alabama 1975, and the legislature's concurrence thereof.

S. 38. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Professional Entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons examining board as provided in Sections 2-28-1 through 2-28-12, Code of Alabama 1975, and the legislature's concurrence thereof.

S. 41. Relating to the Alabama Sunset Law; to continue the existence

and functioning of the Plumbing Examiners Board as provided in Section 40-12-145, Code of Alabama 1975, and the legislature's concurrence thereof.

S. 43. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54, Code of Alabama 1975, and the legislature's concurrence thereof.

S. 44. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Nursing as provided in Sections 34-21-1 through 34-21-26, Code of Alabama 1975, and the legislature's concurrence thereof.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 81. (With Substitute) (With amendment): To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6, 32-7-16 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to provide what the term "uninsured motor vehicle" shall include under the uninsured motorist coverage section of the Motor Vehicle Safety-Responsibility Act, increases the amount of payment on judgments necessary to satisfy the requirements of the Motor Vehicle Safety-Responsibility Act, and to increase the minimum amount of liability required under a motor vehicle liability policy under the Motor Vehicle Safety-Responsibility Act.

Rep. Crow, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 187. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Rep. Crow, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 32. (With Amendment): To provide for certain payroll deductions for full-time firefighters employed by political subdivisions in this state.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 296. To amend Code of Alabama 1975, Section 9-11-231 by adding thereto Sections b, c, and d and by renumbering Section 9-11-231 to designate the present section as Section (a); by such amendment to designate the flattened musk turtle (Sternotherus minor depressus) as protected within the meaning of Title 9 of the Code of Alabama of 1975; to prescribe unlawful activities in connection with the flattened musk turtle (Sternotherus minor depressus); to provide that the Alabama Department of Conservation and Natural Resources may issue permits for certain activities in connection with the flattened musk turtle (Sternotherus minor depressus) and to establish criminal penalties for the violation of this Act.

H. 74. To repeal Sections 2-13-82, 2-13-83, 2-13-85 and 2-13-88, Code of Alabama 1975, which requires milk producers and processors to obtain a joint permit from the State Board of Health and the County Boards of Health in order to do business in Alabama.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 295. (With Amendment): To amend the Dental Practice Act, Sections 34-9-1, 34-9-6, 34-9-9, 34-9-17, 34-9-18, 34-9-19, 34-9-22, 34-9-27, 34-9-29, 34-9-40, 34-9-41 and 34-9-43 of the Code of Alabama 1975, so as to regulate further the practice of dentistry and dental hygiene; to regulate further the board of dental examiners; and to provide sanctions.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 312. To provide for the control and regulation of the production and sale of natural goat milk; and to require the commissioner of agriculture and industries to enforce such regulations by the issuance of permits to producers.

H. 152. Relating to dental practice insurance coverage in health insurance policies and employee benefit plans so as to allow any individual who has dental insurance coverage or contract benefits, the right to select any dentist of his choice to furnish the dental care provided under such plans or policies; to provide that it shall be the duty and responsibility of the commissioner of insurance to enforce the provisions of this Act; and to provide for penalties for violations as provided in Section 27-1-12 of the Code of Alabama 1975.

H. 320. To amend Sections 13A-6-60 and 13A-6-64, Code of Alabama

1975, relating to sexual offenses in the criminal code, so as to define the crime of bestiality and to prescribe penalties for the commission of such crime.

H. 322. To amend Section 13A-11-14, Code of Alabama 1975, relating to the crime of cruelty to animals, so as to make it a crime to kill or injure without good cause any domestic animal, not just an animal belonging to another.

H. 174. To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar title; and to prescribe penalties for violations of this Act.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 38. (With Substitute) (With Amendment): To amend Code of Alabama 1975, Section 22-21-260, so as to include the word "hospices" in the definition of health care facilities regulated and controlled by the State Health Planning and Development Agency.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 223. (With Substitute): To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize any state employee or retired person or beneficiary under any retirement system administered by the state to elect to have funds for his salary or retirement allowance electronically transferred for deposit in the financial institution of his choice.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 224. To amend Section 36-17-16 of the Code of Alabama 1975 so as to further provide for the destruction of cancelled state warrants.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 305. (With Amendment): To amend Section 36-17-3 of the Code of Alabama 1975, relating to the duties and functions of the state treasurer.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 133. To provide that a local board of education shall allow a sick leave bank for its employees to be established upon the request of such employees.

H. 124. To provide that not more than fifteen minutes of the required

scholastic day may be spent on clerical or non-instructional duties. To further provide each teacher a duty-exempt lunch period for at least 30 minutes of each school day.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 197. To require the Alabama Department of Conservation and Natural Resources to enter into an agreement with the U.S. Forest Service to expand the boundaries of the existing Black Warrior Wildlife Management Area; and to provide further for the marking of, management of, and hunting on the expanded area.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 77. (With Amendment): To amend Section 9-14-27, Code of Alabama 1975, as last amended, relating to length of term of concession contracts, so as to extend the allowable term for state park concession contracts from six to ten years and the maximum term where major expenditures are made by concessionaire from twelve to twenty years.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 78. To amend Section 9-2-107, Code of Alabama 1975, relating to the State Park Revolving Fund, so as to provide that up to 2% of said fund may be encumbered each year for use in major repair and maintenance service of land, buildings, and permanent equipment fixed assets; and capital improvements or alteration to land, buildings, or permanent equipment.

H. 117. To amend the penalty provisions of certain code sections of Article 2 of Chapter 12 of Title 9, Code of Alabama 1975, specifically Sections 9-12-32 (private reefs), 9-12-33 (culling of oysters), 9-12-42 (oyster replanting), 9-12-45 (terrapins), 9-12-46 (minimum weight of commercial shrimp), 9-12-54.7 (live bait dealers), 9-12-82 (oyster catcher license), 9-12-114 (license for wholesale and retail dealers of fresh saltwater fish), 9-12-116 (inspection of places of business), 9-12-117 (illegal tackle, illegal fishing devices or unlicensed boats or vessels), and 9-12-121 (general penalty provisions of Article 2 of Chapter 12, Title 9), so as to increase the penalties thereof.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 171. (With Amendment): To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, as amended, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges

for services rendered in such offices.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 328. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 28. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw in Greene County.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 76. (With Amendment): To promote the maintenance of Tuscaloosa County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Tuscaloosa County of information pertaining to laws relative to littering and penalties therefore; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Tuscaloosa County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Tuscaloosa County, an agency and person empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Tuscaloosa County; to grant authority to the Tuscaloosa County, and to provide for a means to plea to the public to heed such laws and to help eliminate littering such county.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 209. To authorize the Tuscaloosa County Board of Health to designate the services rendered by the Tuscaloosa County Health Department for which a reasonable fee may be charged. The Tuscaloosa County Board of Health is further required to set a maximum fee for each service. The Tuscaloosa County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

H. 356. Relating to Lee County; providing that travel expense allowances for members of the county commission shall be the same per mile as those in effect from time to time for state employees.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with

amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 377. (With Amendment): Proposing an amendment to the State Constitution relating to Talladega County; to provide for the levy, collection and distribution of a privilege or license tax upon persons and businesses conducting professional sporting contests or events; to provide for the collection of the revenues from said tax; to provide for exemptions; and to provide for penalties for violations.

The above bill was read a second time at length as required by the Constitution.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Campbell and Drake:

H. 407. To authorize the Clerk of the House and the Secretary of the Senate to employ certain legislative personnel.

Committee on Ways and Means.

By Rep. Holley:

H. 408. Amending Sections 16-36-7 and 16-36-27 of the Code of Alabama, 1975, so as to allow State adoption and purchase of educational materials for children enrolled in the public kindergartens of the State.

Committee on Education.

By Rep. Laird:

H. 409. To provide for the establishment of the Special Services Division of the District Attorney's Office of each Judicial Circuit and further establish a unit for the expedient treatment of worthless checks.

Committee on Judiciary.

By Rep. Johnson (Roy):

H. 410. To amend Section 8-8-5, Code of Alabama 1975, relating to loans or credit sales to which usury laws do not apply so as to reduce the minimum interest rate exemption from the usury laws; and to repeal subsection (f) which provides that the section as it affects loans of \$25,000.00 or less shall become null and void on July 1, 1987.

Committee on Banking.

By Rep. Johnson (Roy):

H. 411. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Committee on State Administration.

By Rep. Turner:

H. 412. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, authorizing Mobile County under certain conditions to issue its general obligation bonds for the purpose of refunding any one or more issues of Outstanding Securities (as defined

herein), to be additionally secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to said Constitution, as amended; authorizing Mobile County to apply proceeds of the Special Tax (as defined herein), whether or not any such bonds are issued, for payment of the Outstanding Securities; providing that none of the said bonds shall be chargeable against the limitation on the indebtedness of Mobile County contained in Section 224 of said Constitution and specifying certain details pertaining to the said bonds and leases.

Committee on Local Legislation No. 3.

The above bill was read a first time at length as required by the Constitution.

By Rep. Johnson (Roy):

H. 413. To be known as the "Aged Health Care Recipient Ombudsman Act"; to provide general definitions; to authorize the State Long-Term Ombudsman and the Alabama Commission on Aging to investigate complaints concerning health care facilities and to certify community ombudsmen; to provide for the selection, training, and duties of community ombudsmen; to establish procedures for receiving, investigating, and resolving complaints; and to provide an effective date.

Committee on Health.

By Rep. Johnson (Roy):

H. 414. To prohibit the imposition of franchise provisions which limit, prevent or discourage a service station dealer from offering automotive services which the dealer is currently offering, and to prohibit the imposition of franchise provisions which authorize the franchisor to alter the premises in a way that physically interferes with the franchisee's existing automotive service business.

Committee on State Administration.

By Reps. Mathis and Grimsley:

H. 415. To amend Sections 31-6-4, 31-6-5 and 31-6-6, Code of Alabama 1975, relating to educational benefits for certain children or wives or widows of certain deceased or disabled veterans or prisoners of war, so as to further provide therefor.

Committee on Ways and Means.

By Rep. Cosby:

H. 416. To protect, preserve, maintain, and enhance the scenic, recreational, and other qualities of the Cahaba River by reinforcing existing surface mining laws, solid waste laws, water pollution laws, and water quality standards in and near the river; to regulate certain alterations and impoundments of the river; to establish a management corridor along the river within which the building or establishment of transportation facilities and other man-made structures and the harvesting of timber may be performed as approved by the Commissioner of Conservation and Natural Resources; and to prescribe remedies and penalties for violation of the act.

Committee on Natural Resources.

By Rep. Mitchell (With Notice and Proof):

H. 417. To levy a finance charge or a tax of ten cents per acre to be

assessed against lands located in Pickens County, Alabama, which are used for timber growing purposes, to provide protection against forest fires, insects, disease and other pests within Pickens County; to provide for a referendum on the question and prescribing the procedure for the collection of such assessments.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL. H. B. 417, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Martin:

H. 418. A bill to define and regulate health studios and to provide for criminal penalties.

Committee on Health.

By Rep. Martin:

H. 419. To provide an additional alternative procedure whereby incorporated municipalities in Classes 4, 5, 6, 7 and 8 of this state may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory upon petition of certain majority landowners of the area sought to be annexed; to require the furnishing of certain municipal services as a condition to assessing ad valorem taxation in the annexed area.

Committee on Ways and Means.

By Reps. Bowling, Mitchell, Ford, Junkins, Brakefield, Butler, White (L), and Pratt:

H. 420. Providing that the state board of education shall prescribe certain rules to alleviate certain problems encountered by public high school athletes training during hot weather and to prescribe certain guidelines for such rules.

Committee on Education.

By Reps. Bowling, Mitchell, Martin, Ford, Junkins, Butler, and White (L):

H. 421. To amend Section 40-17-220, Code of Alabama, 1975, to provide that purchases of gasoline, motor fuel and lubricating oil by postsecondary state institutions shall be exempt from taxation under the levy provided for in Section 40-17-220, Code of Alabama, 1975.

Committee on Ways and Means.

By Reps. Bowling and Brakefield:

H. 422. To amend Section 38-10-3 of the Code of Alabama 1975, relating to child support programs operated by the department of pensions and security, so as to provide further for operation of such programs by prescribing certain conditional requirements for certain recipients of aid to dependent or needy children.

Committee on Judiciary.

By Rep. Bowling:

H. 423. To provide for a guaranteed minimum starting wage or salary

for all county and municipal law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Committee on Ways and Means.

By Rep. Bowling:

H. 424. To provide preferential treatment towards admission to any medical research program for any disease deemed crippling or fatal, because of the lack of a known cure, for any sworn full time, regular employed state, county or municipal police officer or fire fighter.

Committee on Education.

By Rep. Bowling:

H. 425. To exempt the Alabama Peace Officers Association and the Fraternal Order of Police, non-profit organizations, operating in the State of Alabama, from the payment of state, county or municipal sales or use tax.

Committee on Ways and Means.

By Rep. Bowling:

H. 426. To amend Section 11-43-189 and 11-43-190 of the Code of Alabama 1975, as amended, relating to civil service merit systems for law enforcement officers.

Committee on Ways and Means.

By Rep. Campbell:

H. 427. To exempt from the special property tax levied in the amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama, Class II real property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons, up to an amount not exceeding \$20,000 in assessed value; to provide a procedure for application for and the administration of said exemption; and to provide an effective date for the Act.

Committee on Ways and Means.

By Rep. Campbell:

H. 428. Amending Section 12-18-40, Code of Alabama relating to retirement at age 60, computation; cost of living; prior service.

Committee on Ways and Means.

By Rep. Campbell:

H. 429. This bill proposes a constitutional amendment relating to state income taxes on corporations. It increases the maximum rate of such state income taxes from five percent to six percent.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Campbell:

H. 430. This bill proposes a constitutional amendment relating to state income taxes on individuals. It increases the maximum rate of such

state income taxes from five percent to six percent.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Faulk, Smith, and Blakeney:

H. 431. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

Committee on Agriculture and
Forestry.

By Rep. Harper:

H. 432. To amend Section 9-12-82, Code of Alabama 1975, relating to commercial versus noncommercial collection of oysters.

Committee on Natural Resources.

By Rep. Harper:

H. 433. To repeal Sections 9-12-86, 9-12-88, 9-12-89, 9-12-90, 9-12-91 and 9-12-114 Code of Alabama 1975, which provides for seven separate licenses required by seafood processors and dealers and to create a separate Dealer/Processor license costing \$110.00.

Committee on Ways and Means.

By Rep. McKee (With Notice and Proof):

H. 434. Relating to Montgomery County; to redivide said county into districts for the purpose of electing the county commission.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 434, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Zoghby:

H. 435. To amend Section 44-1-38, Code of Alabama 1975, relating to the maintenance of certain records of youth by the department of youth services so as to permit the destruction of such records.

Committee on Health.

By Rep. Zoghby:

H. 436. To further amend Section 40-18-19, Code of Alabama 1975, as last amended, which provides for certain exemptions from income taxation allowed to taxpayers, so as to increase the personal exemption allowed for persons age 65 and older; to make the provisions retroactive to the calendar

year; and to provide for a termination date.

Committee on Ways and Means.

By Rep. Zoghby:

H. 437. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of the superintendent or any physician of a state mental health facility or hospital in criminal proceedings, upon proper notice.

Committee on Judiciary.

By Reps. Zoghby and Box:

H. 438. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

Committee on Judiciary.

By Rep. Coburn:

H. 439. To provide fourteen percent, or other percent as provided herein, cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Reps. Browder, Sasser, Grouby, Ford, Junkins, Poole, Lindsey, Preuitt, Grimsley, White (F), Smith, Crow, Holley, and Cosby:

H. 440. To provide a Crime Victims Compensation Commission, procedures relating to their appointment, terms, compensation, powers and duties; to provide provision for office, support, staff and secretarial services of such commission; to provide for awards for compensation, for economic loss under certain circumstances to qualified applicants; to provide for the limiting of awards under certain circumstances; to provide restrictions for Commission authority as to claimant and possible collateral source benefits; to provide for medical examination requirements including limited waiver of physician-patient privilege; to provide award without requirement of prosecution or conviction of any individual; to provide procedures for subrogation rights; to provide for special types of awards procedures; to provide for annual reports and their distribution; to provide further for audits of the Commission; to provide further for surety bond of members, agents and em-

ployees; to provide further for the Alabama Crime Victims Compensation Fund and payments thereto by certain persons; to provide further for the taxing or assessing of additional court costs, assessments or penalties; to provide further for the exemption of compensation from state or municipal taxation and certain writs of garnishment or attachment; to provide further for discretionary contributions by county and municipal governments; to provide further for certain persons to be ineligible for compensation; to provide further for criminal penalties to be attached to certain acts by members, agents, or employees of the Commission, to provide further for other criminal penalties in regard to claimants and other persons who perform certain acts or omissions; to provide further for other criminal penalties for persons who perform certain acts in regard to monies or securities of the Commission held in trust or otherwise; and to provide further for other criminal penalties in regard to false claims.

Committee on Ways and Means.

By Reps. Browder, Grouby, Johnson (Roy), Clark (J), Laird, Adams, Tanner, Parker, Ford, Junkins, McKee, Poole, Lindsey, Grimsley, Preuitt, Box, White (F), Smith, Crow, Blake, Campbell, Bowling, Holley, and Cosby:

H. 441. To amend Section 36-30-2, Code of Alabama 1975, which provides for the compensation paid to dependents of peace officers or firemen killed in the performance of duty, so as to increase said compensation.

Committee on Ways and Means.

By Reps. Browder, Grouby, Johnson (Roy), Laird, Adams, Tanner, Parker, Ford, Junkins, McKee, Grimsley, Box, and Crow:

H. 442. To amend Section 40-2-9 of the Code of Alabama 1975, authorizing the prepayment of travel expenses for certain employees of the department of revenue traveling on official state business outside the state of Alabama so as to increase the amount authorized to be prepaid.

Committee on Ways and Means.

By Reps. Warren, Clark (W), Davis, Reed, Harvey, Preuitt, Laird, Coleman, Johnson (Roy), Smith, Buskey (James), Thomas, and Moore:

H. 443. To repeal Act No. 83-509 of the 1983 Regular Session of the Alabama Legislature. Said Act provided for an additional seven workday delay in payment of salaries to employees of the state of Alabama so that the said salaries would be paid biweekly two weeks in arrears.

Committee on State Administration.

By Rep. Warren:

H. 444. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Committee on Judiciary.

By Rep. Warren:

H. 445. To create and establish a state forest industry advisory board; to provide for the membership and meetings of such board; to prescribe the responsibilities and functions for such board and to make appropriation

from the state general fund for such board.

Committee on Ways and Means.

By Reps. Adams, Campbell, Zoghby, Harvey, and Martin:

H. 446. To amend Section 40-6A-2, Code of Alabama, 1975, which is related to the compensation of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State so as to provide further for the method of payment of salaries established in said chapter.

Committee on Ways and Means.

By Rep. Adams:

H. 447. To amend Section 32-9-31 of the Code of Alabama 1975, relating to the procedure for measuring and weighing vehicles so as to provide further for such procedure.

Committee on Highway Safety.

By Rep. Adams:

H. 448. To provide that any person who violates the vehicle load limitations as prescribed in Section 32-9-20 of the Code of Alabama 1975, as amended, shall be conclusively presumed to have damaged the public roads; to establish a schedule of damages to be assessed against such person; to provide a schedule of damages to be assessed against any person operating under a permit authorized by Section 32-9-29 of the Code of Alabama 1975, as amended, who exceeds the limits allowed by such permit; to provide that the proceeds of such damages shall be credited to the public road and bridge fund to be expended in accordance with the provisions of Section 40-17-78 of the Code of Alabama 1975, by the State Highway Department or political subdivision having the responsibility of maintaining the road on which the violation occurred; to provide for administrative hearing; to provide for appeal to the Circuit Court; and to provide penalties for violation of the provisions of this act.

Committee on Highway Safety.

By Rep. Adams:

H. 449. To amend Section 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

Committee on State Administration.

By Rep. Bryant:

H. 450. To make appropriations for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Reps. Kennedy and Zoghby:

H. 451. To amend Sections 40-17-2, 40-17-31, 40-17-171 and 40-17-220, Code of Alabama 1975, as amended, which sections relate to the tax on motor fuels, gasoline and lubricating oil so as to exempt publicly owned

mass transit authorities and non-urban/para-transit providers from the tax levied by said sections; to define terms; to establish an effective date.

Committee on Ways and Means.

RESOLUTION

The following resolution was introduced:

By Rep. Venable:

H. R. 84. REQUESTING ADVISORY OPINION OF THE SUPREME COURT RELATIVE TO H. 159 OF THE 1984 REGULAR SESSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinion on the following constitutional questions which have arisen concerning H. 159 which is currently pending in the Alabama Senate proposing to repeal Act 81-889 (Acts of Alabama, Special Session, 1981, page 24, August 13, 1981) which would amend the Constitution of Alabama to require the governor to submit a proposed budget to the legislature on or before the second day of each legislative session, and provides that it is a paramount duty of the legislature to make the basic appropriations for the ordinary expenses of the State including the payment of the public debt and education and further provides that no bill (unless specifically exempted by a 3/5 vote) shall be enacted until the legislation making the basic appropriations has been signed by the presiding officer of each House of the Legislature and presented to the Governor.

The pertinent facts are:

(a) The Legislature in its First Special Session which commenced August 4, 1981 passed the said proposed constitutional amendment, Act 81-889.

(b) The Legislature in its Third Special Session commencing on November 3, 1981 passed Act 81-1190 which designated the election for said Act 81-889 to be on the September, 1982 primary or the November, 1982 general election ballot.

(c) The Legislature convened in its Regular Session January 12, 1982 during which time it passed three resolutions relating to said Act 81-889;

(1) Act 82-414, H. J. R. 165, 1982 Regular Session passed by the House of Representatives on March 23, 1982 and by the Senate on April 8, 1982 rescinded the election provided by Act 81-1190 and declared: "the said constitutional amendment proposed by Act 81-889 shall be on the ballot at the first primary or general election in 1984".

(2) Act 82-270, H. J. R. 166, 1982 Regular Session was also passed by the House on March 23, 1982 and by the Senate on April 8, 1982 and provided that the Secretary of State return to the House of Representatives for further consideration, Act 81-889 and declared that the election date of September 1982 or November 1982 as designated by Act 81-1190 was rescinded.

(3) Act 82-413, H. J. R. 386, 1982 Regular Session passed both the House and Senate on April 26, 1982 directing that the Secretary of State: "Assign an Act number to said H. J. R. 165, abide by the requirements prescribed therein and keep such document which relates to amending the

Constitution and election date called therefor within the exclusive possession of his official capacity, so that the ballot shall be prepared and the date proclaimed as designated in H. J. R. 165, 1982 Regular Session."

(d) Said Act 81-889 was returned by the Secretary of State, as custodian of Act 81-889, on April 19, 1982 to the House of Representatives, and said Act 81-889 was subsequently returned to the possession of the Secretary of State on April 28, 1982 to remain in his custody in his official capacity as Secretary of State.

(e) On July 16, 1982, without prior certification by the Secretary of State in meeting the requirements of Section 284 (as amended by Amendment 24) of the constitution of 1901 "that the election shall be in all things in accordance with the law governing general elections" as provided by Section 17-7-1, the Honorable Fob James, Governor of Alabama, proclaimed Tuesday, the 7th of September 1982 as the election date for the proposed constitutional amendment proposed by Act 81-889 and ordered advertising to commence in each county for four successive weeks preceding such election.

(f) Act 81-889 was published in each county for four successive weeks prior to the September 7th election.

(g) The Legislature in response to the Governor's proclamation sought and received an opinion of the Supreme Court, which said opinion in pertinent part stated "the Governor does not have the authority to approve or disapprove acts or resolutions proposing constitutional amendments. Constitution of 1901, Section 287.

Therefore, we are of the opinion that the Legislature, by Resolution, may validly and constitutionally redesignate the election date for the amendment proposed by Act 81-889."

(h) The Supreme Court in its opinion quoted from an earlier, 1963 Opinion of the Justices, 275 Ala, 372, 155 So.2d 329 (1963):

"We see no constitutional impediment in the same legislature at this succeeding regular session changing the date for holding the election on the proposed amendment. Our answer would probably be in the negative if a different legislature should pass the proposed resolution."

(i) Under the laws of Alabama a new legislature was elected on November 2, 1982 and following a federal court order, a second election for a new legislature was held November 8, 1983.

(j) The Secretary of State is custodian of proposed constitutional amendments and under provisions of state law and the constitution must certify to the Probate Judges by a time specified in the Code of Alabama all candidates and proposed constitutional amendments which are to appear on the ballot in any succeeding election. Pursuant to the Constitution of the State of Alabama, 1901, Article XVIII, Section 284 and 285 and the Code of Alabama, 1975, Section 17-7-1, and other provisions of the Constitution and Statutes of Alabama relating to elections, the Secretary of State, on February 1, 1984, did certify candidates and proposed Constitutional Amendments for the March 13, 1984 elections.

The questions are:

(1) May a different legislature, that is, may the current members of the Alabama House and Senate recall or repeal the proposed constitutional amendment provided by Act 81-889 in view of the fact that the proposed

constitutional amendment was certified by the Secretary of State to the Probate Judges in accordance with the constitution and laws of Alabama on February 1, 1984 for the election to be held March 13, 1984?

(2) Was the publication in each county for four successive weeks prior to the election in 1982 as provided by the Honorable Fob James, Governor of the State of Alabama sufficient to satisfy the notice requirement of Section 284 of the constitution of 1901, as amended, or does such section of the constitution require a second publication of such proposed constitutional amendment?

(3) May the Legislature pass an Act by a simple majority vote and thereby revoke an earlier Act proposing a Constitutional Amendment, passage of which required a three-fifths vote as required by the Constitution?

RESOLVE FURTHER, That the clerk of the House is hereby directed to send sufficient copies of this resolution and all pertinent attachments and documents to the clerk of the Supreme Court and to transmit this request to the Justices of the Supreme Court forthwith.

The resolution, H. R. 84, was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:00 A.M. on February 23, 1984.

H. J. R. 5
H. J. R. 21
H. J. R. 28
H. J. R. 29
H. J. R. 30
H. J. R. 31
H. J. R. 34
H. J. R. 53
H. J. R. 9
H. J. R. 18
H. J. R. 19
H. J. R. 20
H. J. R. 23
H. J. R. 27
H. J. R. 35
H. J. R. 36
H. J. R. 38
H. J. R. 39

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. McNair and pursuant to the resolution, H. R. 74, heretofore adopted, the House adjourned until 2:00 p.m., Tuesday, February 28, 1984.

SEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 28, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Tony Smitherman, Providence Baptist Church, Clanton, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey, (James), Buskey, (John), Butler, Campbell, Carothers, Carter, Clark, (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (Roy), the rules were suspended in order to dispense with the reading at length of the Journal of the House of Representatives for the sixth legislative day.

Yeas 66; Nays 14.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Bowling, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (John), Campbell, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Davis, Escott, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Lauderdale, Lindsey, McDowell, McKee, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry,

Perdue, Pratt, Preuitt, Reed, Rice, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turnham, Venable, Warren, White (F), White (G), and White (L).

—66

Nays:

Reps. Blakeney, Box, Buskey (James), Butler, Gaston, Hall, Harper, Kennedy, Kvalheim, Marietta, Onderdonk, Payne, Turner and Zoghby.

—14

REPORT OF STANDING COMMITTEE ON RULES ADOPTED

On motion of Rep. Johnson (Roy), the Report of the Standing Committee on Rules was concurred in and adopted, and the Journal of the House of Representatives for the sixth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 206. To amend Section 40-21-53 to provide that municipal corporations will also pay the 2.2% utility tax.

JIMMY CLARK,
Chairman.

And the bill, H. 206 as engrossed, was sent to the Senate.

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Perdue removed as sponsor of the bill, H. 405.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 85. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, February 28, 1984, we adjourn to meet again on Thursday, March 1, 1984, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 85, was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 86. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That beginning Tuesday, February 28, 1984, immediately upon adoption of this Resolution and continuing on subsequent days, the following bills be made the special, paramount and continuing order of business,

taking precedence over any other business of the House until such time as said bills are disposed of:

<u>H.B. No.</u>	<u>Sponsor</u>	<u>Title</u>	<u>Page.</u>
H.B. 88	Coburn	Front tag license plate required	49
All uncontested local bills			

AMENDMENT OFFERED

Rep. Box offered the following amendment to the resolution, H. R. 86:

Amend House Resolution 86 as follows:

Strike H. B. 88 from calendar

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Box to the Resolution, H. R. 86, was tabled.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 33. CREATING THE MADISON COUNTY TAX DISTRIBUTION STUDY COMMITTEE.

Also:

H. J. R. 43. COMMENDING MR. THOMAS CLARKE HUCKABEE OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE IN EDUCATION.

Also:

H. J. R. 44. COMMENDING COACH LeVAUGHN HANKS FOR LONG AND DISTINGUISHED SERVICE TO THE YOUTH OF MOBILE COUNTY.

Also:

H. J. R. 46. COMMENDING MISS SHERER HUCKABEE FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 49. COMMEMORATING THE 75TH ANNIVERSARY OF 4-H.

Also:

H. J. R. 50. COMMENDING FORMER ALABAMA CONGRESSMAN ROBERT E. JONES AND INVITING HIM TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

Also:

H. J. R. 51. COMMENDING MR. AND MRS. JAMES ALLEN JOHNSON ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 56. DESIGNATING THE PLACE OF MEETING OF THE ALABAMA LEGISLATURE AND AMENDING S. J. R. 2, ACT NO. 83-850, FOURTH SPECIAL SESSION 1983.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. R. 86 RESUMED

AMENDMENT OFFERED

Rep. Box offered the following amendment #2 to the resolution, H. R. 86:

Amend House Resolution 86 as follows:
place uncontested bills first

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #2 offered by Rep. Box to the resolution, H. R. 86, was tabled.

AMENDMENT OFFERED

Rep. Box offered the following amendment #3 to the resolution, H. R. 86:

Amend House Resolution 86 as follows:
place H. B. 151 first

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #3 offered by Rep. Box to the resolution H. R. 86, was tabled.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 16. STATING LEGISLATIVE AUTHORITY RELATIVE TO ACT NO. 81-889, S. 32, FIRST SPECIAL SESSION, 1981.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately

after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. R. 86 RESUMED

AMENDMENT OFFERED

Rep. Box offered the following amendment #4 to the resolution, H. R. 86:

Amend House Resolution 86 as follows:

place H. B. 88 second on calendar

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #4 offered by Rep. Box to the resolution, H. R. 86, was tabled.

AMENDMENT OFFERED

Rep. Box offered the following amendment #5 to the resolution, H. R. 86:

Amend House Resolution 86 as follows:

place 151 second on calendar

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #5 offered by Rep. Box to the resolution, H. R. 86, was tabled.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 16. HONORING MR. JAMES W. (BILL) JOHNSON OF ALBERTVILLE, ALABAMA.

Also:

S. J. R. 17. COMMENDING MR. VELPO MABREY OF GUNTERSVILLE, MARSHALL COUNTY, ALABAMA.

Also:

S. J. R. 18. DESIGNATING THE FOURTH WEEK IN APRIL, ANNUALLY, "PUBLIC SCHOOL WEEK" IN ALABAMA.

Also:

S. J. R. 21. DESIGNATING FEBRUARY 25, 1984, AS "MRS. ELLEN ADAMS APPRECIATION DAY" IN ALABAMA.

Also:

S. J. R. 22. MOURNING THE DEATH OF JUDGE O. D. AL-SOBROOK OF LAFAYETTE, CHAMBERS COUNTY, ALABAMA.

Also:

S. J. R. 26. DESIGNATING 1984 AS 4-H CLUB DIAMOND ANNIVERSARY YEAR IN ALABAMA.

Also:

S. J. R. 30. COMMENDING RADIO STATION WZZK.

Also:

S. J. R. 32. COMMENDING DR. WILFRED BAILEY AS INTERIM PRESIDENT OF AUBURN UNIVERSITY.

Also:

S. J. R. 33. DESIGNATING THE WEEK OF FEBRUARY 26, 1984, AS "ALABAMA ARTS REFUND WEEK".

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing message from the Senate.

H. R. 86 RESUMED

AMENDMENT OFFERED

Rep. Box offered the following amendment #6 to the resolution, H. R. 86:

Amend House Resolution 86 as follows:

place H. B. 262 first

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #6 offered by Rep. Box to the resolution, H. R. 86, was tabled.

AMENDMENT OFFERED

Rep. Box offered the following amendment #7 to the resolution, H. R. 86:

Amend House Resolution 86 as follows:

place 63 first on calendar

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #7 offered by Rep. Box to the resolution, H. R. 86, was tabled.

AMENDMENT OFFERED

Rep. Box offered the following amendment #8 to the resolution,

H. R. 86:

Amend House Resolution 86 as follows:

place H. B. 214 first on calendar

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #8 offered by Rep. Box to the resolution, H. R. 86, was tabled.

RESOLUTION ADOPTED

On motion of Rep. Johnson (Roy), the resolution, H. R. 86, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of bills on the Special Order Calendar.

And the bill:

H. 88. To require, in addition to rear tags or plates, the placement of front tags or plates and any attachments thereto on all motor vehicles operated in this state; to require all such tags or plates, front and rear placement, and attachments thereto, to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes to provide for an additional fee for such tags and reflection standards, and, for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

Was taken up.

SUBSTITUTE OFFERED

Rep. Zoghby offered the following substitute to the bill, H. 88:

A BILL
TO BE ENTITLED
AN ACT

To require, in addition to rear tags or plates, the placement of front tags or plates and any attachments thereto on certain motor vehicles operated in this state; to require all such tags or plates and attachments thereto to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an increase in tag or plate costs for passenger automobiles, trucks with a gross weight of 8,000 pounds or less and motorcycles; to provide for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Effective January 1, 1987, every motor vehicle operator who operates a passenger automobile or truck with a gross weight of 8,000 pounds or less upon any city street or other public highway of, or in, this state shall at the registration of that motor vehicle or reregistration of that motor vehicle during the owner's registration month as designated in

§32-6-61, Code of Alabama 1975, and at all times thereafter, keep securely attached, plainly visible, unobscured, unobstructed and in condition to be clearly legible on the front end, as well as on the rear end as now provided by law, of such motor vehicle, a license tag or plate and any decal or other attachment thereto as prescribed by the department of revenue as herein provided.

(b) Effective January 1, 1987, every license tag or plate issued under the provisions of this Act shall be manufactured in such a manner as to meet the minimum federal performance standards as set out in Table I of the Society of Automotive Engineers Standard J594e, "Reflex Reflectors," of Federal Standard 108.

(c) The state revenue department shall implement the provisions of this act and, for such purpose, is authorized to promulgate rules and regulations and to adopt plans for such tags or plates, and all decals, slogans, stickers, symbols, characters and other attachments, all of which shall be supplied by the department of corrections at a cost not to exceed the per item cost of rear tags or plates and all attachments thereto.

Section 2. (a) Effective October 1, 1984, in addition to the regular license tax or registration fee for each passenger automobile as established in §40-12-242, Code of Alabama 1975, there shall be an additional annual fee of \$10.00.

(b) Effective October 1, 1984, in addition to the regular license tax or registration fee for each truck with a gross weight of 8,000 pounds or less as established in §40-12-248, Code of Alabama 1975, there shall be an additional annual fee of \$10.00.

(c) Effective October 1, 1984, in addition to the regular license tax or registration fee for each motorcycle as established in §40-12-242, Code of Alabama 1975, there shall be an additional annual fee of \$8.00.

Section 3. The additional fees collected each month by the probate judge, license commissioner or other license issuing official under the provisions of (a), (b) and (c), Section 2 of this Act shall not be disbursed as provided for by §§40-12-269 and 40-12-270, Code of Alabama 1975, but shall be deposited to the general fund to be used by the department of public safety for the cost of traffic regulation, and the expense of enforcing state traffic and motor vehicle laws.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this act shall be construed in pari materia with the provisions of existing laws, specifically those provisions of Chapter 6 of Title 32, and subdivision 2 (§§32-6-60 through 32-6-219) and Chapter 12 of Title 40 and subdivision 1 (§§40-12-240 through 40-12-296) of said Chapters 6 and 12, all of the Code of Alabama 1975. The provisions hereof are supplemental to the above-cited provisions of law and shall supersede and repeal only those provisions of law and any other provisions of law which conflict herewith.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO INDEFINITELY POSTPONE

Rep. Box offered the motion to indefinitely postpone the bill, H. 88 and

the pending substitute offered by Rep. Zoghby.

SUBSTITUTE MOTION TABLED

On motion of Rep. Zoghby, the substitute motion offered by Rep. Harper to temporarily postpone consideration of the bill, H. 88 and the pending substitute, was tabled.

MOTION TO INDEFINITELY POSTPONE LOST

The question was then on the motion offered by Rep. Box, to indefinitely postpone the bill, H. 88 and the pending substitute, and the motion was lost.

Yeas 14; Nays 67.

Yeas:

Reps. Adams, Brooks, Cosby, Gaston, Hall, Hammett, Harper, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan and Payne.

—14

Nays:

Mr. Speaker, Bachus, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, White (G), White (L) and Zoghby.

—67

The question was then on the substitute offered by Rep. Zoghby to the bill, H. 88.

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Box, to postpone consideration of the bill, H. 88 and the pending substitute, to the thirtieth legislative day, was tabled.

The question was then on the substitute offered by Rep. Zoghby to the bill, H. 88.

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Box, to postpone consideration of the bill, H. 88 and pending substitute to the twenty-ninth legislative day, was tabled.

Yeas 65; Nays 11.

Yeas:

Mr. Speaker, Bachus, Beers, Black, Blake, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Burke, Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Faulk, Ford, Fuller, Goodwin, Gray, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey,

McDowell, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Pratt, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starr, Thomas, Trammell, Turner, Turnham, White (G), White (L) and Zoghby.

—65

Nays:

Reps. Box, Brooks, Cosby, Gaston, Harper, Hooper, Kvalheim, Laird, McKee, McMillian and Payne.

—11

The question was then on the substitute offered by Rep. Zoghby to the bill, H. 88.

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Box, to postpone consideration of the bill, H. 88 and the pending substitute to the twenty-eighth legislative day, was tabled.

SUBSTITUTE ADOPTED

The question was then on the substitute offered by Rep. Zoghby to the bill, H. 88, and the substitute was adopted.

Yeas 60; Nays 20.

Yeas:

Mr. Speaker, Albright, Bachus, Beers, Biddle, Black, Blake, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Fuller, Goodwin, Gray, Grayson, Grimsley, Harvey, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, Melton, Mitchell, Newman, Nicholson, Parker, Penry, Perdue, Poole, Pratt, Reed, Richardson, Rogers, Smith, Spratt, Starr, Thomas, Trammell, Turner, White (G), White (L) and Zoghby.

—60

Nays:

Reps. Adams, Box, Brooks, Carothers, Cosby, Ford, Gaston, Hall, Hammett, Harper, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, Mathis, Payne, Rice and Warren.

—20

SUBSTITUTE OFFERED

Rep. Biddle offered the following substitute to the bill, H. 88 as amended:

A BILL TO BE ENTITLED AN ACT

To require all tags, plates or attachments on motor vehicles to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an increase in tag or plate costs for passenger automobiles; trucks with a gross

weight of 8,000 pounds or less and motorcycles; to provide for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Effective January 1, 1987, every license tag or plate issued under the provisions of this Act shall be manufactured in such a manner as to meet the minimum federal performance standards as set out in Table I of the Society of Automotive Engineers Standard J594e, "Reflex Reflectors," of Federal Standard 108.

(b) The state revenue department shall implement the provisions of this act and, for such purpose, is authorized to promulgate rules and regulations and to adopt plans for such tags or plates, and all decals, slogans, stickers, symbols, characters and other attachments, all of which shall be supplied by the department of corrections.

Section 2, (a) Effective October 1, 1984, in addition to the regular license tax or registration fee for each passenger automobile as established in §40-12-242, Code of Alabama 1975, there shall be an additional fee of \$10.00.

(b) Effective October 1, 1984, in addition to the regular license tax or registration fee for each truck with a gross weight of 8,000 pounds or less as established in §40-12-248, Code of Alabama 1975, there shall be an additional annual fee of \$10.00.

(c) Effective October 1, 1984, in addition to the regular license tax or registration fee for each motorcycle as established in §40-12-242, Code of Alabama 1975, there shall be an additional annual fee of \$8.00.

Section 3. The additional fees collected each month by the probate judge, license commissioner or other license issuing official under the provisions of (a), (b) and (c), Section 2 of this Act shall not be disbursed as provided for by §§40-12-269 and 40-12-270, Code of Alabama 1975, but shall be deposited to the general fund to be used by the department of public safety for the cost of traffic regulation, and the expense of enforcing state traffic and motor vehicle laws.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this act shall be construed in pari materia with the provisions of existing laws, specifically those provisions of Chapter 6 of Title 32, and subdivision 2 (§§32-6-60 through 32-6-219) and Chapter 12 of Title 40 and subdivision 1 (§§40-12-240 through 40-12-296) of said Chapters 6 and 12, all of the Code of Alabama 1975. The provisions hereof are supplemental to the above-cited provisions of law and shall supersede and repeal only those provisions of law and any other provisions of law which conflict herewith.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 63; Nays 27.

Yeas:

Reps. Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Escott, Faulk, Flowers, Ford, Fuller, Gray, Grayson, Grouby, Hall, Hammett, Horn, Junkins, Kennedy, McDowell, McKee, McMillian, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Pratt, Rains, Rice, Richardson, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—63

Nays:

Mr. Speaker, Box, Brakefield, Campbell, Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Gaston, Goodwin, Grimsley, Harper, Holley, Hooper, Johnson, (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, Lindsey, Mitchell, Poole, Reed, Rogers and Turner.

—27

LEAVE OF ABSENCE

At the request of Rep. Hettinger, leave of absence was granted for Rep. Bugg.

H. 88 RESUMED

AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, H. 88 as amended:

Amend House Bill 88 as Substituted, page 2, Section 2, line 7, after the period by adding the following sentence:

\$2.00 of each additional \$10.00 collected for each passenger automobile license shall be deposited in the general fund of the county as an issuance fee in which said license is issued.

And on page 2, Section 2, line 12, after the period by adding the following sentence:

\$2.00 of each additional \$10.00 collected for each truck with a gross weight of 8,000 pounds or less shall be deposited in the general fund of the county as an issuance fee in which said license is issued.

And on page 2, Section 2, line 17, after the period by adding the following sentence:

\$2.00 of each additional \$2.00 collected for each motorcycle, shall be deposited in the general fund of the county as an issuance fee in which said license is issued.

And in Section 3, page 2, line 21, after the word "Act" by inserting the following:

,excluding the amounts to be distributed to the counties in which said licenses are issued,

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Payne to the bill, H. 88 as amended, was tabled.

Yeas 47; Nays 35.

Yeas:

Mr. Speaker, Bachus, Blake, Bowling, Brakefield, Browder, Bryant, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Flowers, Fuller, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, Mitchell, Newman, Nicholson, Parker, Perdue, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner, Turnham, White (F), White (G) and Zoghby.

—47

Nays:

Reps. Albright, Box, Britnell, Brooks, Burke, Carothers, Cosby, Faulk, Ford, Gaston, Gray, Grayson, Grouby, Hall, Harper, Hooper, Johnson (R.G.), Kvalheim, Laird, Lindsey, McDowell, McKee, McMillian, Mathis, Melton, Mikell, Onderdonk, Payne, Penry, Poole, Rains, Rice, Venable, Warren, and White (L).

—35

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 88 as amended:

Amend H. B. 88 as substituted on page 2, lines 7 & 12 by deleting "\$10.00" and inserting "\$5.00".

Further amend on page 2, line 17 by deleting "\$8.00" and inserting in lieu thereof "\$4.00".

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Holmes to the bill, H. 88 as amended, was tabled.

Yeas 51; Nays 28.

Yeas:

Mr. Speaker, Albright, Bachus, Beers, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Faulk, Fuller, Goodwin, Grayson, Grimsley, Harvey, Holley, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McMillian, Martin, Mitchell, Newman, Nicholson, Parker, Reed, Richardson, Sasser, Seibels, Starr, Tanner, Trammell, Turner, Turnham, White (F), White (G), and White (L).

—51

Nays:

Reps. Adams, Box, Brooks, Buskey (James), Carothers, Cosby, Escott, Ford, Gaston, Hall, Harper, Hettinger, Holmes, Johnson (R.G.), Kvalheim, Laird, McKee, McNair, Mathis, Melton, Onderdonk, Payne, Poole, Preuitt, Rains, Smith, Venable, and Warren.

—28

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 130. To authorize the governing body of Randolph County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article I of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to provide for the use of said proceeds; to provide that the proceeds of such tax shall be used to pay the cost of constructing, furnishing and maintaining a county jail and/or a county courthouse; to prescribe penalties and fix punishment for violations of this act; to provide for the expiration of those taxes levied and imposed under authority of this act; to make the provisions of this Act retroactive to January 1, 1984; and to provide for the collections of such taxes.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 130. To authorize the governing body of Randolph County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article I of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to provide for the use of said proceeds; to provide that the proceeds of such tax shall be used to pay the cost of constructing, furnishing and maintaining a county jail and/or a county courthouse; to prescribe penalties and fix punishment for violations of this act; to provide for the expiration of those taxes levied and imposed under authority of this act; to make the provisions of this Act retroactive to January 1, 1984; and to provide for the collections of such taxes.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately

after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 60. HONORING THE LATE FRANK P. THOMAS, JR., PROMINENT ALABAMA NEWSPAPER EDITOR AND PUBLISHER.

Also:

H. J. R. 63. REQUESTING PRESIDENTIAL CANDIDATE WALTER MONDALE TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

McDOWELL LEE,
Secretary.

H. 88 RESUMED

And the bill:

H. 88. To require all tags, plates or attachments on motor vehicles to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an increase in tag or plate costs for passenger automobiles; trucks with a gross weight of 8,000 pounds or less and motorcycles; to provide for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

As thus amended, was read a third time at length, passed, and ordered engrossed.

Yeas 60; Nays 36.

Yeas:

Mr. Speaker, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Bryant, Burke, Buskey (John), Butler, Campbell, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Fuller, Goodwin, Grayson, Grimsley, Harvey, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, Melton, Mikell, Mitchell, Newman, Nicholson, Parker, Penry, Pratt, Reed, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Thomas, Trammell, Turner, White (G), and White (L).

—60

Nays:

Reps. Adams, Box, Britnell, Brooks, Carothers, Carter, Cosby, Faulk, Flowers, Ford, Gaston, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillian, Martin, Mathis, Onderdonk, Payne, Poole, Preuitt, Rains, Rice, Smith,

Venable, Warren, and White (F).

—36

And the bill.

H. 239. (With Substitute): Relating to Greene County; to provide for the distribution of the county's share of proceeds from tax revenue imposed by the exclusive statewide uniform local tax on beer as provided for in Section 28-3-190 of the Code of Alabama 1975; to provide for a certain administration commission for the judge of probate; to provide that certain proceeds shall be paid to the judge of probate to be distributed to the county commission to be used for financing either construction or renovation of courthouse and county jail facilities and to provide that such proceeds may be used for lease agreements between the county and public corporations as provided for in Chapter 15 of Title 11 of the Code of Alabama 1975.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Greene County; to provide for the distribution of the tax revenue imposed by the exclusive distribution of the tax revenue imposed by the exclusive statewide uniform local tax on beer, to provide for the use of said tax and for the collection and administration thereof, including retirement of debt service or making lease payments to a public corporation (or a combination thereof) for a new Greene County Courthouse, renovating the existing County Courthouse, constructing a new County jail and renovating the existing County jail (or and combination thereof).

Be It Enacted by the Legislature of Alabama:

Section 1. The entire amount of the exclusive statewide uniform beer tax shall be paid to the Judge of Probate of Greene County and distributed as follows:

(a) Five percent (5 percent) shall be paid to the Probate Judge as commission for the collection and administration of said tax.

(b) There shall be distributed to Greene County Commission an amount sufficient (a) to pay principal of and interest on bonds, warrants or other securities at anytime hereafter issued by said Greene County Commission for the purpose of providing funds to pay costs of acquiring, providing, constructing and equipping a new jail facility, renovating, improving and equipping the existing jail facility, or constructing new jail facilities and renovating, improving and equipping existing facilities, (b) to enable the County to make lease rental payments to any public corporation in an amount sufficient to retire bonds or other securities issued by such public corporation for the purpose of providing funds to pay costs of acquiring, providing, constructing and equipping a new jail facility, renovating, improving and equipping the existing jail facility or constructing new jail facilities and renovating existing jail facilities (and any combination thereof), (c) to pay principal of and interest on bonds, warrants or other securities at anytime hereafter issued by said Greene County Commission for the purpose of providing funds to pay costs of acquiring, providing, constructing

and equipping a new County Courthouse, renovating, improving and equipping the existing County Courthouse, or acquiring, providing, constructing and equipping a new County Courthouse and renovating, improving and equipping the existing County Courthouse, (d) to enable the County to make lease rental payments to any public corporation in an amount sufficient to retire bonds or other securities issued by such public corporation for the purpose of providing funds to pay costs of acquiring, providing, constructing and equipping the existing County Courthouse, or acquiring, providing, constructing and equipping a new County Courthouse and renovating, improving and equipping the existing County Courthouse (and any combination thereof).

(c) The balance of the proceeds shall be distributed as provided in the exclusive statewide uniform beer tax act.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beers, Black, Blakeney, Boles, Box, Britnell, Brooks, Browder, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Coburn, Crow, Dutton, Escott, Flowers, Fuller, Gaston, Goodwin, Grayson, Hall, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McDowell, Moore, Newman, Nicholson, Onderdonk, Penry, Preuitt, Thomas, Trammell, White (G), and White (L).

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 239. Relating to Greene County; to provide for the distribution of the tax revenue imposed by the exclusive statewide uniform local tax on beer, to provide for the use of said tax and for the collection and administration thereof, including retirement of debt service or making lease payments to a public corporation (or a combination thereof) for a new Greene County Courthouse, renovating the existing County Courthouse, constructing a new County jail and renovating the existing County jail (or and combination thereof).

As thus amended was read a third time at length, passed and ordered engrossed.

Yeas 45; Nays 1.

Yeas:

Mr. Speaker, Albright, Black, Blakeney, Box, Britnell, Brooks, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Davis, Dutton, Escott, Fuller, Gaston, Goodwin, Grayson, Harper, Hettinger, Holmes,

Hooper, Horn, Junkins, Kennedy, Lauderdale, McDowell, Melton, Newman, Onderdonk, Perdue, Poole, Pratt, Preuitt, Richardson, Rogers, Smith, Starkey, Thomas, Turner, Turnham, White (G), White (L) and Zoghby.

—45

Nay: Rep. Butler

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 263. Relating to Geneva County; providing for election of the members of the county commission from districts to be defined on a population basis by the present commission upon referendum approval by the electors of Geneva County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Harper, Hettinger, Hooper, Horn, Junkins, Kennedy, Lauderdale, Lindsey, McDowell, Martin, Mathis, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Smith, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—65

And the bill:

H. 330. To provide for the salary of the probate judge of St. Clair County and to provide for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Beers, Blake, Blakeney, Boles, Box, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Ford, Fuller, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Holmes, Horn, Junkins, Kennedy, Lauderdale, McDowell, McMillian, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—70

And the bill:

H. 331. Relating to St. Clair County; to provide for additional expense allowances for certain county officials.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey (John), Butler, Clark (D), Clark (W), Coleman, Crow, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Horn, Junkins, Kennedy, Lindsey, McDowell, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Perdue, Preuitt, Rains, Rice, Richardson, Spratt, Starkey, Starr, Thomas, Trammell, Turnham, Warren, White (G), and White (L).

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 28. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw in Greene County.

Was taken up.

AMENDMENT OFFERED

Rep. Black offered the following amendment to the bill, H. 28:

Amend H. B. 28, page 1 immediately following Line 25 by inserting two new sections and renumbering the following section accordingly. The new sections to read as following:

Section 2. If any provision, paragraph or part of this Act shall be declared invalid, unconstitutional, or void, the balance of said Act shall remain in full force and effect.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 31; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Britnell, Brooks, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Grayson, Grouby, Horn, Lauderdale, McDowell, Mathis, Melton, Moore, Perdue, Pratt, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Trammell, Turnham, Warren, White (G), and Zoghby.

—31

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 28, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 28; Nays 0.

Yeas:

Mr. Speaker, Black, Brakefield, Brooks, Bryant, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Gray, Grayson, Grouby, Holmes, Horn, Kennedy, McDowell, McNair, Melton, Moore, Perdue, Rogers, Spratt, Starkey, Tanner, Thomas, Trammell, and Turner.

—28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 76 TEMPORARILY POSTPONED

On motion of Rep. Johnson (Roy), the bill, H. 76, was temporarily postponed.

And the bill:

H. 209. To authorize the Tuscaloosa County Board of Health to designate the services rendered by the Tuscaloosa County Health Department for which a reasonable fee may be charged. The Tuscaloosa County Board of Health is further required to set a maximum fee for each service. The Tuscaloosa County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Blakeney, Box, Britnell, Brooks, Bryant, Burke, Buskey (John), Butler, Carter, Clark (D), Coleman, Davis, Escott, Ford, Goodwin, Gray, Grimsley, Grouby, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, McDowell, McMillian, Mathis, Melton, Mitchell, Moore, Newman, Parker, Perdue, Poole, Rains, Reed, Rice, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, White (F), White (G), and and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 356. Relating to Lee County; providing that travel expense allowances for members of the county commission shall be the same per mile as those in effect from time to time for state employees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beers, Blakeney, Box, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Coleman, Escott, Flowers, Ford, Gaston, Goodwin, Gray, Grimsley, Grouby, Holmes, Hooper, Johnson (Roy), Junkins, Lauderdale, McDowell, McMillian, Mathis, Melton, Moore, Newman, Nicholson, Parker, Perdue, Poole, Rains, Reed, Rice, Smith, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, White (G), and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 377. (With Amendment): Proposing an amendment to the State Constitution relating to Talladega County; to provide for the levy, collection and distribution of a privilege or license tax upon persons and businesses conducting professional sporting contests or events; to provide for the collection of the revenues from said tax; to provide for exemptions; and to provide for penalties for violations.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend House Bill 377, Section 1, page 3, line 11, after the word "Departments" by inserting , Inc.; And on line 15, after the word "Squads" by inserting , Inc.; And on line 18, after the word "School" by adding Library

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillian, McNair, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains,

Reed, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turnham, Venable, White (F), White (L) and Zoghby.

—79

And the bill, H. 377, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillian, McNair, Marietta, Mathis, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—77

MOTION TO RECESS

Rep. Albright offered the motion that the House stand in recess.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Buskey (James), that the House adjourn until 10:00 o'clock a.m., Thursday, March 1, 1984, was adopted.

Yeas 46; Nays 42.

Yeas:

Reps. Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carothers, Clark (D), Clark (W), Cosby, Flowers, Ford, Gaston, Goodwin, Harper, Harvey, Hettinger, Hooper, Kennedy, Kvalheim, Lindsey, McKee, McMillian, Marietta, Martin, Mathis, Mitchell, Nicholson, Onderdonk, Payne, Penry, Preuitt, Rains, Rice, Sasser, Smith, Starkey, Thomas, Turner, Turnham, White (F), and Zoghby.

—46

Nays:

Mr. Speaker, Albright, Beers, Boles, Brakefield, Browder, Bugg, Burke, Campbell, Carter, Clark (J), Coburn, Coleman, Crow, Davis, Escott, Gray, Grayson, Grimsley, Grouby, Hall, Holmes, Horn, Johnson (Roy), Junkins, Laird, McDowell, McNair, Melton, Moore, Newman, Parker, Perdue, Pratt, Richardson, Rogers, Seibels, Spratt, Tanner, Trammell, Warren, and White (G).

—42

RESOLUTION

The following resolution was introduced and distributed according to

Joint Rule 11:

By Rep. Turnham:

H. R. 87. COMMENDING MR. WALTER SCOTT FELLOWS, JR.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows;

By Rep. Marietta:

H. 452. To amend Section 32-8-2, Code of Alabama 1975, relating to the Alabama Uniform Certificate of Title and Antitheft Act so as to provide further for the definition of "motor vehicles" to include watercraft, motorboats, sailboats and other vehicles or devices self-propelled or operated in or upon the lakes, rivers, streams and other waters located in the State of Alabama, and to provide that this amendment shall become effective January 1, 1985.

Committee on Judiciary.

By Rep. Marietta:

H. 453. To prohibit the sale of a minor child to make such a sale of offering to transact such a sale a Class C felony.

Committee on Judiciary.

By Rep. Johnson (Roy):

H. 454. To amend §40-23-7, Code of Alabama 1975, so as to revise the payment schedule to require that payers of large State sales tax liabilities will pay on an estimate basis during the period in which the tax liability accrues and to provide for distribution of the revenues.

Committee on Ways and Means.

By Reps. Payne, Beers, White (G), and Bachus (With Notice and Proof):

H. 455. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in the City of Birmingham; to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in Birmingham; to provide for a referendum of the voters of the county on the question of whether this Act will become effective in the county; to provide that horse racing and pari-mutual wagering thereon shall be lawful in Birmingham; to provide for the designation or appointment and the terms of office of the members and officers of the commission; to provide for and authorize the incorporation of the commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of the commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by the commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by the commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by the racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be re-

viewed by the racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of a license fee for pari-mutuel wagering by each licensed operator to the racing commission licensing such operator and to specify the method for determining the amount of any such fee; to provide that the racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent Act of the Legislature; to authorize the racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by the racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any the racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of the commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by the racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize the racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in the City of Birmingham.

Committee on Ways and Means.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 455, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Holley and Johnson (Roy):

H. 456. This bill amends Section 34-30-22, Code of Alabama 1975, which provides for the qualifications of applicants for licensed social workers, so as to provide further for said qualifications.

Committee on Ways and Means.

By Reps. Flowers, Preuitt, Holley, and Faulk:

H. 457. To amend Sections 16-31-1 and 16-31-4, Code of Alabama 1975, relating to appropriations from the special educational trust fund to state institutions of higher learning for matching American Legion Scholar-

ships, so as to increase such appropriations.

Committee on Ways and Means.

By Rep. Black (With Notice and Proof):

H. 458. Relating to Sumter County; to repeal Act No. 83-66, H. 21, 1983 First Special Session, approved February 2, 1983, relating to employment by the sheriff of deputies sheriff and a secretary.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 458, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Mathis (With Notice and Proof):

H. 459. Relating to Geneva County; providing that a \$1,000.00 damage bond must be posted with the Geneva County governing body before any house or building is moved on any public road within Geneva County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 459, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Holley:

H. 460. To provide that the governing body of any municipality, with a population of less than 5,000 persons, by resolution duly adopted, may abolish or create a civil service system or other personnel board; to continue all rights, interest and privileges which certain employees have in any civil service of merit system within any such municipality; to prescribe that the provisions of this act shall be construed in pari materia with Section 36-27-6, Code of Alabama 1975, permitting certain governing boards, including municipalities to elect to have its eligible officers and employees participate in the state retirement systems; and to repeal conflicting laws.

Committee on Ways and Means.

By Reps. Nicholson and Campbell:

H. 461. To authorize fiduciaries to invest in and hold, in addition to any other investments authorized by law, interests in any common trust fund or collective investment fund maintained by any financial institution having trust powers or in securities of or other interests in any open-end or closed-end management type investment company of investment trust registered under the Investment Company Act of 1940, provided that the portfolio of such fund, company or trust is limited to the classes of trust investments allowed by law.

Committee on Judiciary.

By Reps. Harper, Kennedy, and Turner:

H. 462. To make an appropriation to the Louisiana, Mississippi, Ala-

bama Rapid Rail Transit Commission.

Committee on Ways and Means.

By Rep. Zoghby:

H. 463. To amend Section 40-18-27, Code of Alabama 1975, which requires all tax payers with certain yearly net incomes to file annual state tax returns, so as to raise the net income exclusion for individual tax payers age 65 years and older; and to provide a termination date.

Committee on Ways and Means.

By Rep. Zoghby:

H. 464. To amend Section 40-18-29, Code of Alabama 1975, which provides for fiduciaries making tax returns for taxpayers for whom they are acting, so as to increase the annual exclusion of taxpayers age 65 and older; and to provide for a termination date.

Committee on Ways and Means.

By Rep. Faulk:

H. 465. This bill provides that a physician shall have a lien upon any cause of action accruing to any injured person to whom such physician furnishes care and treatment; to provide the means of perfecting said liens; to provide for the time in which such lien must be filed and suit brought thereon; to provide no release or settlement of any such cause of action shall be effective as or against such lien unless such physician or his assign shall join therein or execute a release therefore; to provide for the filing of such lien; to provide that acceptance of release or satisfaction of any cause of action, suit, claim, counterclaim, demand or judgment in any settlement or in the absence of release or satisfaction of the lien shall prima facie constitute impairment of such lien, and to give the lienholder right of action at law for damages on account of such impairment; to provide for recovery from one accepting a release or satisfaction or making settlement; to accept monies due under the Workmen's Compensation Laws from the provisions herein and to repeal conflicting laws.

Committee on Judiciary.

By Reps. Kvalheim, Box, Turner, Buskey (James), Zoghby, Clark (W), Marietta, Gaston, McMillan, Hooper, Kennedy, Onderdonk, Harper, Penry, and Blakeney:

H. 466. To prohibit public and private motor vehicle carriers from transporting hazardous or flammable materials through tunnels; to provide for jurisdiction of certain law enforcement officers; and to provide penalties for violations.

Committee on State Administration.

By Rep. Cosby:

H. 467. To amend Section 32-6-61 of the Code of Alabama 1975, relating to the staggered system for licensing and registering motor vehicles, so as to provide further for licensing and registering mobile homes under such system.

Committee on State Administration.

By Reps. Nicholson, Junkins, Newman, Brooks, Coleman, and Lauderdale:

H. 468. To amend §13-A-6-3 of the Code of Alabama, 1975, to provide that manslaughter is a Class B felony.

Committee on Judiciary.

By Reps. Penry and McMillian:

H. 469. To amend Sections 41-9-340, 41-9-343, 41-9-347 and 41-9-355, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, so as to provide for the vacation of office by a member for failure to attend meetings, to increase the monetary limits for which a contract may be executed, to provide that said park shall honor all who participated in military defense of our nation and to forgive certain debts owed by the Commission to the Alabama State Docks.

Committee on Natural Resources.

By Reps. Biddle, Escott, Rogers, Boles, Perdue, Spratt, Trammell, and Pratt (With Notice and Proof):

H. 470. Relating to Jefferson County; to authorize the payment of a compensation incentive for personnel assigned by the sheriff on a regular basis to conduct internal investigations or assist in the accountability of funds governed by the sheriff of Jefferson County.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 470, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Lindsey, Smith, Grimsley, Preuitt, Richardson, Dutton, Butler, Burke, Moore, Carter, and Mathis:

H. 471. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

Committee on Agriculture and
Forestry.

By Reps. Kvalheim and Gaston (With Notice and Proof):

H. 472. Relating to the City of Mobile, Mobile County, Alabama; providing for an advisory referendum relating to the municipal form of government the qualified electors of the City of Mobile desire; providing that an election on such question shall be set at the same time as the March 1984 Presidential Primary election or the earliest date thereafter of any state,

county or special election; providing for notice and ballot preparation.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 472, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Carter:

H. 473. Relating to Class 6 municipalities; authorizing the governing body of any such municipality to adopt ordinances to provide for the protection of the historic character of the municipality; and providing for a Historic Preservation Commission.

Committee on Local Government.

By Rep. Thomas (With Notice and Proof):

H. 474. Relating to Wilcox County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 474, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. McNair and Buskey (James):

H. 475. To amend Section 40-7-25.1 to express the intent of the legislature respecting current use valuation of Class III properties; to provide that for taxable years commencing on or after October 1, 1984, the current use value of agricultural property to be used in the assessment of any agricultural property requested to be valued on a current use basis shall be determined by the fair and reasonable market value that comparable property of such soil group or productivity rating situated in the same county would have as if the property to be assessed on a current use basis could not be used for any other purpose and was legally restricted from being used for any other purpose, and the current use value of forest property, to be used in the assessment of any forest property requested to be valued on a current use basis, shall be the fair and reasonable market value that comparable property of such soil group or productivity rating situated in the same county would have as if the property to be assessed on a current use basis could not be used for any other purpose by a purchaser thereof and was legally restricted to such use; and to provide for an effective date of the Act.

Committee on Ways and Means.

By Rep. Mitchell:

H. 476. Relating to the functions of the Alabama board of funeral service; to amend Sections 34-13-50, 34-13-55, 34-13-70, 34-13-72, 34-13-90, 34-13-130 and 34-13-132 of the Code of Alabama 1975, so as to clarify the educational requirements of applicants for examination and licensure; to extend the time in which a license may be reinstated; to provide for payment of

actual cost of any examination; and to provide further for terms of service of an apprenticeship and the due date for the annual report of an apprentice.

Committee on Health.

By Rep. Mitchell:

H. 477. To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, which provides for ad valorem tax exemptions, so as to provide further for the homestead provisions for persons 65 years old or older.

Committee on Ways and Means.

By Rep. Harvey:

H. 478. To amend Section 22-9-8, Code of Alabama 1975, relating to the issuance of death certificates by the state registrar of vital statistics and certain local county registrars, so as to provide that certain county health officers or administrators may issue such certificates.

Committee on Health.

By Reps. Hettinger, Grayson, Brooks, Hall, Butler, and Albright:

H. 479. To exempt from all state, county, local or other ad valorem taxes all property owned and used by the Mayfair Towers Corporation, a Huntsville, Alabama, corporation.

Committee on Ways and Means.

By Rep. Box:

H. 480. To further regulate the transportation and disposal of hazardous waste so as to protect the health and welfare of our citizens; to provide further for hazardous waste disposal sites, transportation, identification of vehicles transporting such wastes, and labelling of containers; to authorize the county and municipal governing bodies, in their respective jurisdictions, to further regulate the transportation and disposal techniques and to levy franchise fees and to collect fines; to prescribe that no extension or change in existing disposal techniques or extension of disposal site area shall be made by any existing facility or future facility without prior legislative approval; to prohibit the disposal of hazardous wastes in certain areas of floodplains; to prescribe additional felony penalties of fine and sentence for each violation of this Act, and to provide that each incident shall constitute a separate offense.

Committee on Health.

By Rep. Grouby:

H. 481. To amend Sections 36-25-1, 36-25-4, 36-25-6, 36-25-12, 36-25-14, and 36-25-15, Code of Alabama 1975, so as to delete the definition of "legislative employee"; add the definition of "statement of economic interests," and "thing of value," redefine "public employee" and "public official"; to provide further for the filing of statement of economic interests by public officials; to provide for the notification of candidacy of certain public officials; to remove the prohibition against investigating anonymous complaints and certain other complaints; to prohibit witnesses, complaints or informants from making public statements until an investigation is complete; to grant subpoena power to the commission; to prohibit certain officials and employees of regulatory agencies and certain public officials, employees and

families from soliciting or accepting anything of value from certain persons or organizations.

Committee on Judiciary.

By Rep. Laird (With Notice and Proof):

H. 482. To authorize the Clay County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 482, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Clark (J):

H. 483. To amend Section 40-23-4 of the Code of Alabama 1975, as heretofore amended, which provides for certain exemptions from sales taxes, so as to exempt from sales taxation the gross proceeds from sales of admissions to certain national championship sporting events that are held in the State of Alabama and hosted by not for profit corporations organized and existing under the laws of the State of Alabama.

Committee on Ways and Means.

By Rep. Clark (J):

H. 484. To require disclosure of the charge of goods and services provided by hospitals throughout Alabama; to require hospitals to disclose to the public their inpatient charges by diagnostic-related group; to require hospitals to accept such published charges as full payment for goods and services in treatment of cases within such diagnostic-related group; to require 30-day advance notice with respect to increases in such charges and prohibit increases more frequently than quarterly, and to provide for penalties for, and injunctive relief against, violation of the provisions of the act.

Committee on Ways and Means.

By Rep. Clark (J):

H. 485. To amend further Section 40-25-23, Code of Alabama 1975, as last amended by Act No. 83-922, S. 10, 1983 Fourth Special Session, approved December 21, 1983, relating to a reallocation of a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and the appropriation of so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount, so as to specifically cite the act authorizing the issuance of such additional bonds of the State Industrial Development Authority; and to make this amendment retroactive to December 21, 1983.

Committee on Ways and Means.

By Rep. Clark (J):

H. 486. To amend Sections 34-27-2, 34-27-31, 34-27-50, 34-27-51, 34-27-60 and 34-27-66 of the Code of Alabama 1975 which regulate real estate and timesharing brokers, salesmen and transactions, so as to provide further therefor.

Committee on Ways and Means.

By Rep. Clark (J):

H. 487. To amend appropriation provisions for the Alabama Commissioners on Uniform State Laws.

Committee on Ways and Means.

By Rep. Clark (J) (With Notice and Proof):

H. 488. To authorize the Barbour County Commission to compensate a Clerk in the Sheriff's Office.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 488, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Clark (J) (With Notice and Proof):

H. 489. Relating to Barbour County: To provide that the Sheriff shall be entitled to the allowance payable by the State for feeding prisoners.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 489, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Clark (J) (With Notice and Proof):

H. 490. Relating to Barbour County: Fixing the fee for an issuance of a pistol permit by the Sheriff and providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

Committee on Local Legislation No. 1

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 490, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Goodwin, Clark (D), and Starkey (With Notice and Proof):

H. 491. Relating to procedures for selling and redeeming lands for taxes in Lauderdale County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 491, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Kvalheim:

H. R. 88. COMMENDING AND CONGRATULATING MOBILE POLICE OFFICER ROBERT LARISON ON HIS PROMOTION TO CHIEF OF THE DEPARTMENT.

Also:

By Rep. Kvalheim:

H. R. 89. MOURNING THE DEATH OF MR. VICTOR H. LOTT OF MOBILE, ALABAMA.

Also:

The following resolution was introduced:

By Reps. Hooper, Bachus, Harper, Beers, Gaston, Faulk, Starr, Adams, Blakeney, Grouby, Coleman, Kvalheim, McKee, Penry, Mikell, Cosby, Burke, Butler, Brooks, Johnson (R.G.), Laird, White (F), McMillan, Biddle, Grimsley, Warren, Richardson, Carter, White (L), Sasser, White (G), Carothers, Payne, Hettinger, Rice, Turnham, Rogers, Zoghby, Preuitt, Flowers, Venable, Fuller, Hammett and Seibels:

H. J. R. 90. WHEREAS, this nation was founded upon the principles of each citizen having inalienable rights to life, liberty and the pursuit of happiness; and

WHEREAS, the ability of people to have gainful employment is inexorably bound to these inalienable rights; and

WHEREAS, there are few greater possessions in this life than the right and privilege of living in a free country in which one may dedicate his or her life to the vocation of his or her own choosing, now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES CONCURRING, That the following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and proclaimed as prescribed by law:

PROPOSED AMENDMENT

It is hereby declared to be the public policy of Alabama that the right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union or labor organization.

Any agreement or combination between any employer and any union or labor organization whereby persons not members of such union or organization shall be denied the right to work for said employer, or whereby such membership is made a condition of employment on continuation of employment by such employer, or whereby any such union or organization acquires

an employment monopoly in any enterprise, it hereby declared to be against public policy and an illegal combination or conspiracy.

No person shall be required by an employer to become or remain a member of any labor union or labor organization as a condition of employment or continuation of employment.

No person shall be required by an employer to abstain or refrain from membership in any labor union or labor organization as a condition of employment or continuation of employment.

No employer shall require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any kind to any labor union or labor organization.

Any person who may be denied employment or be deprived of continuation of his employment in violation of this constitutional amendment, shall be entitled to recover from such employer and from any other person, firm, corporation or association acting in concert with him by appropriate action in the courts of this state such damages as he may have sustained by reason of such denial or deprivation of employment.

RESOLVED FURTHER, That an election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

RESOLVED FURTHER, That notice of the election of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

The resolution, H. J. R. 90, was read and referred to the Standing Committee on Rules.

BILLS ON SECOND READING

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 409. To provide for the establishment of the Special Services Division of the District Attorney's Office of each Judicial Circuit and further establish a unit for the expedient treatment of worthless checks.

H. 404 To further reapportion House District 40 and House District 41 of the Alabama legislature based upon the 1980 census.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 22. To amend the "Hazardous Waste Management Act of 1978," as amended, specifically amending Sections 22-30-3, 22-30-12, 22-30-13, 22-30-15, 22-30-16, 22-30-17, 22-30-18, 22-30-19 and 22-30-21, Code of Alabama

1975, so as to clarify the definition of disposal and add a definition of transporter; ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval; more fully define the responsible party for permit issuance; require that out-of-state shipments of hazardous waste be transported to and disposed of at only those facilities which have been approved by the United States Environmental Protection Agency (EPA) or a state pursuant to a hazardous waste management program approved by EPA; clarify the Alabama program's authority to promulgate transporter regulations to protect human health and the environment; clarify the application of trade secret protection; clarify and enlarge the penalties section by amending the civil monetary penalties section, eliminating duplicate criminal liability provisions and clarifying the state's authority to require correction of violations; provide that the 90-day exemption relating to the storage of hazardous waste applies only to on-site storage by the generators of such waste; provides for further regulation of certain transporters; and allow the substitution of proper shipping papers for the manifest for certain transporters.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 91. To amend Section 8-8-5 of the Code of Alabama 1975, which relates to interest rates, so as to remove the Sunset or termination date on the provisions of said section as it applies to loans of \$25,000.00 or less.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 66. To amend Section 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights, so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 166. (With Substitute): To amend Section 22-18-4 of the Code of Alabama 1975, relating to ambulances, so as to provide for certain requirements pertaining to semiannual safety and medical equipment inspections for ambulances operating on the public streets, roads and highways of this state.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and was read a second time and placed on the Calendar, to-wit:

H. 233. (With Substitute): To propose a constitutional amendment amending Article IX, Section 214, Constitution of Alabama of 1901, providing for the levy by the State, in addition to all other taxes presently levied, of a 6 mill tax on property, and providing for certain exemptions therefrom.

The above bill was read a second time at length as required by the Constitution.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 234. To amend Section 40-9-24, Code of Alabama 1975, so as to make said section consistent with the adoption of an amendment to Article XI, Section 214 of the Constitution of Alabama of 1901, proposed by House Bill 233 introduced at the 1984 regular session of the Legislature of Alabama; and to provide an effective date for the Act.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 235. (With Substitute): To exempt from state ad valorem taxation agricultural and forest property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons, up to an amount not exceeding \$25,000 in assessed value; to provide a procedure for application for and the administration of said exemption; and to provide an effective date for the Act.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 236. (With Amendment): To amend Section 40-9-19, Code of Alabama 1975, as previously amended, so as to increase the homestead exemption to an amount not exceeding \$5,000 in assessed value for any resident of this state who is not over 65 years of age; and to provide an effective date for the Act.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 427. To exempt from the special property tax levied in the amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama, Class II real property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons, up to an amount not exceeding \$20,000 in assessed value; to provide a procedure for application for and the administration of said exemption; and to provide an effective date for the Act.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 429. (With Substitute): This bill proposes a constitutional amendment relating to state income taxes on corporations. It increases the maxi-

imum rate of such state income taxes from five percent to six percent.

The above bill was read a second time at length as required by the Constitution.

H. 220. (With Substitute): This bill proposes a constitutional amendment relating to state income taxes on individuals. It increases the maximum rate of such state taxes from five percent to six percent.

H. 430. (With Substitute): This bill proposes a constitutional amendment relating to state income taxes on individuals. It increases the maximum rate of such state income taxes from five percent to six percent.

The above bill was read a second time at length as required by the Constitution.

H. 221. (With Substitute): This bill amends Section 40-18-5, Code of Alabama 1975 by raising the tax rate of individuals from 5% to 6% on taxable income above \$8,000.00.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 222. This bill proposes a constitutional amendment relating to state income taxes. It increases the maximum rate of state income taxes from five percent to six percent.

The above bill was read a second time at length as required by the Constitution.

Rep. Ford, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 232. (With Amendments): To provide for educational assistance benefits for members of the Alabama National Guard.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 399. Relating to Lawrence County; to amend Act No. 79-84, H. 48, 1979 Regular Session (Acts 1979, p. 109), which act provides for an expense allowance for the county coroner, so as to provide further for said allowance.

H. 400. Relating to Lawrence County; to provide that the sheriff shall be entitled to the allowances payable by the State, counties and municipalities for feeding prisoners; and to provide that the provisions of this Act shall have retroactive effect.

H. 417. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Pickens County, Alabama, which are used for timber growing purposes, to provide protection against forest fires, insects, disease and other pests within Pickens County; to provide for a referendum on the question and prescribing the procedure for the collection of such assessments.

S. 248. Relating to Cullman County; to amend the title and Section 1 of Act No. 515, S. 755, 1977 Regular Session (Acts 1977, p. 681), which deals

with "flea" markets operating on Sunday, so as to provide for nurseries and other businesses to operate on Sundays during certain business hours and providing that the provision of subsection (c) of Section 1 of this Act relating to businesses other than nurseries shall not become effective until approved at a referendum election held for such purpose.

RESOLUTION

The following resolution was introduced:

By Reps. Drake and Clark (J):

H. J. R. 91. CREATING A JOINT LEGISLATIVE-JUDICIAL COMMITTEE TO STUDY, DEVELOP PLANS, AND MAKE RECOMMENDATIONS FOR A NEW JUDICIAL BUILDING FOR THE STATE OF ALABAMA.

WHEREAS, there appears to be a critical need for an adequate building to house the appellate courts of the Judicial Department of the State of Alabama; and

WHEREAS, this need has been recognized for almost twenty (20) years by various organizations and groups, including members of the Legislature, the National Center for State Courts, the Permanent Study Commission on Alabama's Judicial System, and the Alabama State Bar:

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative-judicial committee to study the need for and to develop plans and made recommendations for the location and the construction of a new judicial building to be located at the seat of state government in the City of Montgomery, Alabama, in order to maximize the efficiency and productivity of both the judicial and administrative functions of the appellate courts of the state.

The committee hereby established shall be composed of twelve (12) members as follows: the Lieutenant Governor, the Speaker of the House of Representatives; and the Chief Justice of the Supreme Court, by virtue of their respective offices; and three (3) members of the State Senate to be appointed by the Lieutenant Governor, as the presiding officer thereof; three (3) members of the House of Representatives to be appointed by the Speaker; and three (3) members of the judiciary to be appointed by the Chief.

1.

Justice. A chairman, a vice chairman, and secretary shall be elected from the members of the committee at the organizational meeting of the committee which organizational meeting shall be called within ten (10) days after all of the members of the committee are appointed and shall be presided over by the Chief Justice.

Legislative members, including the Lieutenant Governor, shall receive their regular legislative compensation, per diem, and travel expenses for attendance at committee meetings when the Legislature is not in session, to be paid from funds appropriated to the Legislature. Judicial members of the committee shall receive no additional compensation for attending meetings of the committee, but shall be allowed per diem and travel expenses as authorized by law.

The committee or subcommittees thereof shall be authorized to visit

and study the judicial building facilities of other states as may be authorized by the chairman of the committee, and such members shall be reimbursed their actual and reasonable travel expenses as authorized by law for out-of-state travel.

The Building Commission of the State, its officers, employees, and agents, including its architectural and technical employees, are hereby authorized and directed to cooperate with and assist the committee in its study, recommendations, and development of plans, including recommendations of a suitable location for such judicial building.

The committee shall meet from time to time at the call of its chairman and shall make and submit a formal written report or reports to the Legislature as to its findings and recommendations, such reports to be submitted at the next regular session of the Legislature, unless otherwise extended by joint resolution of the Legislature.

2.

The resolution, H. J. R. 91, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard (With Notice and Proof):

S. 319. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 municipality on the question of whether this Act will become effective in such municipality; to provide that horse racing and pari-mutual wagering thereon shall be lawful in any Class 1 municipality in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission; to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to

specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering by each licensed operator to the state and to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide that any such racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent act of the Legislature; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; in the event that a state racing commission shall be established pursuant to any act enacted before or after the effective date of this Act, to provide in such event that any municipal racing commission created under this Act and its licensees shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission for a period beginning with the effective date of this Act and continuing until the end of the fifth calendar year next succeeding the calendar year in which racing events shall first be conducted under the jurisdiction of such municipal racing commission; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in Class 1 municipalities.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 319 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate

Standing Committee as follows:

S. 319. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By: Senators Bishop, Corbett, Denton, Dixon, Holmes, Hand, deGraffenried and Bailey:

S. 308. To prohibit for a period of three (3) years from the enactment hereof all legalized pari-mutuel or other forms of gambling in this state, to create a commission to comprehensively study all impacts of the pending legislation relating to gambling, to provide for the duration, composition, meetings, office space, compensation and reporting of said committee.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 308. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Dial (With Notice and Proof):

S. 218. Relating to Cleburne County: providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of taxassessor and tax collector, repealing conflicting laws; and providing for a referendum thereon.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 218 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 218. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senators Corbett, Covington, Dixon, Holmes, Menton and Bennett:

S. 40. To amend Section 25-9-9 of the Code of Alabama 1975, so as to provide further for the composition of the board of examiners to certify competency for fire bosses and mine foremen.

Also:

By Senator Denton:

S. 176. To provide facilities for displaying certain exhibits in cooperation with the Tennessee Valley Authority; to create the Tennessee Valley Authority Exhibit Commission of Alabama as an agency of the State of Alabama and to provide for its membership, terms, authority and duties; to authorize the issuance of revenue bonds to make an appropriation, for the fiscal year ending September 30, 1986, from certain funds received by the state in lieu of the payment of taxes pursuant to Title 40, Chapter 28, Code of Alabama 1975, and to amend Section 40-28-2, Code of Alabama 1975 therefor; to authorize the allocation and expenditure of funds; and to provide exemptions from all taxes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate were severally read one time and referred to appropriate Standing Committees as follows:

S. 40. State Administration.

S. 176. Ways and Means.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:55 P.M. on February 29, 1984.

H. J. R. 33

H. J. R. 43

H. J. R. 44

H. J. R. 46

H. J. R. 49

H. J. R. 50

H. J. R. 51

H. J. R. 56

H. J. R. 16

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Buskey (James) and pursuant to the resolution, H. R. 85, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, March 1, 1984.

EIGHTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 1, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Lawson Bryan, Pastor, Dexter Avenue Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark, (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the rules were suspended and the reading at length of the Journal of the House for the seventh legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventh legislative day was approved.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 60. HONORING THE LATE FRANK P. THOMAS, JR.,
PROMINENT ALABAMA NEWSPAPER EDITOR AND PUBLISHER.
And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 51. INVITING PRESIDENTIAL CANDIDATE JOHN GLENN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to Presidential Candidate, Mr. John Glenn, to address the Alabama Legislature on March 6, 1984, on which date and at a time to be set, the Legislature shall convene in joint session to hear Mr. Glenn's remarks.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to forward a copy of this resolution to Mr. Glenn, in invitation to address the Legislature and in hopeful anticipation of his acceptance.

McDOWELL LEE,
Secretary.

SENATE MESSAGE
SUBSTITUTE OFFERED

Rep. McNair offered the following substitute to the resolution, S. J. R. 51:

INVITING PRESIDENTIAL CANDIDATE JOHN GLENN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to Presidential Candidate Mr. John Glenn, to address the Alabama Legislature on March 1, 1984, on which date and at a time to be set, the Legislature shall convene in joint session to hear Mr. Glenn's remarks.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to forward a copy of this resolution to Mr. Glenn, in invitation to address the Legislature and in hopeful anticipation of his acceptance.

And the substitute was adopted.

On motion of Rep. Johnson (Roy), the resolution, S. J. R. 51, as amended, was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 92. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That beginning Thursday, March 1, 1984, immediately upon adoption of this Resolution and continuing on subsequent days, the following bills be made the special, paramount and continuing order of business, taking precedence over any other business of the House until such time as said bills are disposed of:

<u>Bill No.</u>	<u>Sponsor</u>	<u>Title</u>	<u>Page</u>
S.B. 22	Bennett	Hazardous waste	2 (Supplement)
H.B. 316	Holley	Alabama Racing Commission	38
H.B. 87	Albright	Madison County Racing Commission	39
H.B. 13 (w/sub. & amdt.)	Rogers	Jefferson County—horse racing	40

All uncontested local bills

AMENDMENT OFFERED

Rep. Horn offered the following amendment to the resolution, H. R. 92:

Amend House Resolution 92 by moving House Bill 13 to the third bill on the special order calendar.

And the amendment was adopted.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the resolution, H. R. 92 as amended:

Amend H. R. 92 on page 1, removing House Bill 13 and House Bill 87 from the special order calendar

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Brooks to the resolution, H. R. 92 as amended, was tabled.

Yeas 46; Nays 30.

Yeas:

Mr. Speaker, Albright, Biddle, Black, Blake, Blakeney, Boles, Bowling, Bryant, Bugg, Buskey (John), Carter, Clark (J), Clark (W), Coburn, Crow, Davis, Escott, Fuller, Grayson, Hall, Harper, Hettinger, Horn, Johnson (Roy), Junkins, Kennedy, McDowell, McNair, Mathis, Melton, Moore, Newman, Nicholson, Onderdonk, Perdue, Pratt, Richardson, Rogers, Seibels, Spratt, Starkey, Tanner, Thomas, White (G) and White (L).

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Nays:

Reps.: Beers, Box, Brooks, Browder, Burke, Butler, Dutton, Flowers, Ford, Gaston, Gray, Grouby, Hammett, Harvey, Hooper, Johnson (R.G.), Kvalheim, Laird, McMillan, Mikell, Rains, Rice, Sasser, Smith, Starr, Trammell, Turnham, Venable, Warren and White (F).

—30

RESOLUTION ADOPTED

On motion of Rep. Johnson (Roy), the resolution, H. R. 92 as amended, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 239. Relating to Greene County; to provide for the distribution of the tax revenue imposed by the exclusive statewide uniform local tax on beer, to provide for the use of said tax and for the collection and administration thereof, including retirement of debt service or making lease payments to a public corporation (or a combination thereof) for a new Greene County Courthouse, renovating the existing County Courthouse, constructing a new County jail and renovating the existing County jail (or and combination thereof).

JIMMY CLARK,
Chairman.

And the bill, H. 239 as engrossed, was sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 88. To require all tags, plates or attachments on motor vehicles to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an increase in tag or plate costs for passenger automobiles, trucks with a

gross weight of 8,000 pounds or less and motorcycles; to provide for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

JIMMY CLARK,
Chairman.

And the bill, H. 88 as engrossed, was sent to the Senate.

SPECIAL ORDER

The House then proceeded with the consideration of bills on the Special Order Calendar.

And the bill:

S. 22. To amend the "Hazardous Waste Management Act of 1978," as amended, specifically amending Sections 22-30-3, 22-30-12, 22-30-13, 22-30-15, 22-30-16, 22-30-17, 22-30-18, 22-30-19 and 22-30-21, Code of Alabama 1975, so as to clarify the definition of disposal and add a definition of transporter; ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval; more fully define the responsible party for permit issuance; require that out-of-state shipments of hazardous waste be transported to and disposed of at only those facilities which have been approved by the United States Environmental Protection Agency (EPA) or a state pursuant to a hazardous waste management program approved by EPA; clarify the Alabama program's authority to promulgate transporter regulations to protect human health and the environment; clarify the application of trade secret protection; clarify and enlarge the penalties section by amending the civil monetary penalties section, eliminating duplicate criminal liability provisions and clarifying the state's authority to require correction of violations; provide that the 90-day exemption relating to the storage of hazardous waste applies only to on-site storage by the generators of such waste; provides for further regulation of certain transporters; and allow the substitution of proper shipping papers for the manifest for certain transporters.

Was read a third time at length and passed.

Yeas 87; Nays 4.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Harvey, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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Nays: Reps.: Boles, McNair, Melton and Trammell.

—4

H. 316 TEMPORARILY POSTPONED

On motion of Rep. Johnson (Roy), the bill, H. 316, was temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (Roy), the rules were suspended in order to consider and pass uncontested local bills.

And the bill:

H. 399. Relating to Lawrence County; to amend Act No. 79-84, H. 48, 1979 Regular Session (Acts 1979, p. 109), which act provides for an expense allowance for the county coroner, so as to provide further for said allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grimsley, Hammett, Harper, Hettinger, Hooper, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McMillan, Mikell, Moore, Newman, Onderdonk, Penry, Rains, Reed, Richardson, Starkey, Starr, Tanner, Thomas, Venable, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 400. Relating to Lawrence County; to provide that the sheriff shall be entitled to the allowances payable by the State, counties and municipalities for feeding prisoners; and to provide that the provisions of this Act shall have retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grimsley, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McDowell, McMillan, Mitchell, Moore, Newman, Onderdonk, Rains, Reed, Richardson, Starkey, Starr, Tanner, Thomas, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—56

And the bill:

H. 417. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Pickens County, Alabama, which are used for timber growing purposes, to provide protection against forest fires, in-

sects, disease and other pests within Pickens County; to provide for a referendum on the question and prescribing the procedure for the collection of such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Bowling, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grimsley, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Junkins, Laird, Lauderdale, McMillan, Mitchell, Moore, Newman, Parker, Rains, Richardson, Smith, Starr, Tanner, Thomas, Venable, White (F), White (G) and White (L).

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 248. Relating to Cullman County; to amend the title and Section 1 of Act No. 515, S. 755, 1977 Regular Session (Acts 1977, p. 681), which deals with "flea" markets operating on Sunday, so as to provide for nurseries and other businesses to operate on Sundays during certain business hours and providing that the provision of subsection (c) of Section 1 of this Act relating to businesses other than nurseries shall not become effective until approved at a referendum election held for such purpose.

Was taken up.

AMENDMENT OFFERED

Rep. Bowling offered the following amendment to the bill, S. 248:

Amend S.B. 248, page 2, Section 1, line 3 after the word "County" by changing the semi-colon to a period and by striking the remainder of line 3, lines 4 through 8 in their entirety and the following on line 9

~~paid into the general fund of Cullman County.~~

Further amend S. B. 248, page 2, Section 1 (c), line 18 after the word "shopkeepers" by inserting the following:

, not otherwise allowed to open on Sunday.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Faulk, Flowers, Fuller, Gaston, Goodwin,

Grayson, Grimsley, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Junkins, Kennedy, Lauderdale, McDowell, McMillan, Martin, Mikell, Newman, Onderdonk, Parker, Rains, Reed, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Venable, White (F), White (G), White (L) and Zoghby.

—55

And the bill, S. 248 as thus amended, was read a third time at length and passed.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hammett, Hettinger, Hooper, Junkins, Kennedy, Lauderdale, McDowell, McMillan, Martin, Newman, Onderdonk, Parker, Rains, Reed, Rice, Richardson, Smith, Starkey, Starr, Tanner, Thomas, Venable, White (F), White (G), White (L) and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (Roy), the rules were suspended in order to receive the Reports of the Standing Committees.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 454. (With Substitute): To amend § 40-23-7, Code of Alabama 1975, so as to revise the payment schedule to require that payers of large State sales tax liabilities will pay on an estimate basis during the period in which the tax liability accrues and to provide for distribution of the revenues.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 34. Relating to the 13th Judicial Circuit; authorizing the clerk of such circuit, in instances when ordered by the court to invest money which has been deposited with the court, to deduct, at the time of disbursement, five percent of the earned income from the invested money; and providing that the deducted amount shall be deposited in the general fund of Mobile County.

H. 456. This bill amends Section 34-30-22, Code of Alabama 1975, which provides for the qualifications of applicants for licensed social workers, so as to provide further for said qualifications.

H. 460. To provide that the governing body of any municipality, with a population of less than 5,000 persons, by resolution duly adopted, may

abolish or create a civil service system or other personnel board; to continue all rights, interest and privileges which certain employees have in any civil service or merit system within any such municipality; to prescribe that the provisions of this act shall be construed in *pari materia* with Section 36-27-6, Code of Alabama 1975, permitting certain governing boards, including municipalities to elect to have its eligible officers and employees participate in the state retirement systems; and to repeal conflicting laws.

H. 353. To amend 1975 Code of Alabama, Section 41-9-71, to conform to current operating procedures and laws which have been revised since passage of this act in 1935.

H. 354. To amend 1975 Code of Alabama, Section 22-52-17, which relates to mental health evaluations and commitments so as to require all probate judges to utilize mental health facilities of the State of Alabama when available.

H. 440. To provide a Crime Victims Compensation Commission, procedures relating to their appointment, terms, compensation, powers and duties; to provide provision for office, support, staff and secretarial services of such commission; to provide for awards for compensation, for economic loss under certain circumstances to qualified applicants; to provide for the limiting of awards under certain circumstances; to provide restrictions for Commission authority as to claimant and possible collateral source benefits; to provide for medical examination requirements including limited waiver of physician-patient privilege; to provide award without requirement of prosecution or conviction of any individual; to provide procedures for subrogation rights; to provide for special types of awards procedures; to provide for annual reports and their distribution; to provide further for audits of the Commission; to provide further for surety bond of members, agents and employees; to provide further for the Alabama Crime Victims Compensation Fund and payments thereto by certain persons; to provide further for the taxing or assessing of additional court costs, assessments or penalties; to provide further for the exemption of compensation from state or municipal taxation and certain writs of garnishment or attachment; to provide further for discretionary contributions by county and municipal governments; to provide further for certain persons to be ineligible for compensation; to provide further for criminal penalties to be attached to certain acts by members, agents, or employees of the Commission; to provide further for other criminal penalties in regard to claimants and other persons who perform certain acts or omissions; to provide further for other criminal penalties for persons who perform certain acts in regard to monies or securities of the Commission held in trust or otherwise; and to provide further for other criminal penalties in regard to false claims.

H. 441. To amend Section 36-30-2, Code of Alabama 1975, which provides for the compensation paid to dependents of peace officers or firemen killed in the performance of duty, so as to increase said compensation.

H. 378. To provide that the governing body of cities with a population of less than 5,000 shall be given preference on the disposal of certain surplus motor vehicles; to provide that the terms, manner and condition of the donation, sale or lease of such motor vehicles shall be as deemed by the state finance director in the best interest of the state; to prescribe that the governing body shall certify annually that the use of such motor vehicles is for municipal purposes; to provide for the final disposition of such property; to prescribe that such motor vehicles shall not be sold by the municipality without reimbursement to the state; to provide certain exemptions; and to

provide cumulative effect.

H. 82. To make a supplemental appropriation to the State Board of Physical Therapy from the Physical Therapist Fund for the fiscal year ending September 30, 1984.

H. 44. To amend Section 36-7-20 of the Code of Alabama 1975 so as to further provide that the per diem travel allowance for employees stationed at the same place in the state for a period in excess of two consecutive months shall be reduced to an amount equal to \$5.00 less than the regular per diem allowance fixed by the governor.

H. 250. To amend Section 40-9-13 of the Code of Alabama 1975, relating to exemptions from taxation, so as to exempt, among others, the Annual Shrine Circus as well as all other charitable Shrine amusement and fund raising events from all license fees and charges including any privilege and excise tax levied by the state or any county or municipality; and to provide that such charitable Shrine amusement and fund raising events shall be subject to all the provisions of Section 40-9-12 of the Code of Alabama 1975.

H. 293. To provide that full-time employees and executive officers of the Alabama Opportunities Industrialization Center may elect to become members of the teachers' retirement system of Alabama; also to provide that said Center and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 483. (With Amendment): To amend Section 40-23-4 of the Code of Alabama 1975, as heretofore amended, which provides for certain exemptions from sales taxes, so as to exempt from sales taxation the gross proceeds from sales of admissions to certain national championship sporting events that are held in the State of Alabama and hosted by not for profit corporations organized and existing under the laws of the State of Alabama.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 484. To require disclosure of the charge of goods and services provided by hospitals throughout Alabama; to require hospitals to disclose to the public their inpatient charges by diagnostic-related group; to require hospitals to accept such published charges as full payment for goods and services in treatment of cases within such diagnostic-related group; to require 30-day advance notice with respect to increases in such charges and prohibit increases more frequently than quarterly; and to provide for penalties for, and injunctive relief against, violation of the provisions of the act.

H. 485. To amend further Section 40-25-23, Code of Alabama 1975, as last amended by Act No. 83-922, S. 10, 1983 Fourth Special Session, approved December 21, 1983, relating to a reallocation of a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and the appropriation of so much of these revenues as may be necessary for the retirement of additional

bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount, so as to specifically cite the act authorizing the issuance of such additional bonds of the State Industrial Development Authority; and to make this amendment retroactive to December 21, 1983.

H. 486. To amend Sections 34-27-2, 34-27-31, 34-27-50, 34-27-51, 34-27-60 and 34-27-66 of the Code of Alabama 1975 which regulate real estate and timesharing brokers, salesmen and transactions, so as to provide further therefor.

H. 487. To amend appropriation provisions for the Alabama Commissioners on Uniform State Laws.

H. 46. To authorize the Chancellor of Postsecondary Education to establish multipurpose programs at designated two-year institutions to provide the necessary training, counseling, and services to enable displaced homemakers to experience economic security vital to productive lives; and to provide for the appointment of a director to administer the statewide network of multipurpose programs.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 362. (With Amendment): To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or recinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 211. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said pro-

ceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide a statute of limitations for paternity actions under this act; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination with his consent, as the natural father of a child born thereof; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 213. (With Amendment): To provide for court ordered continuing income withholding by employers as a means of child support enforcement; to provide that such order shall be included as a part of any original judgment or decree for the payment of child support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent child support amounts in addition to enforcing continuing, prospective child support obligations; to provide for the content of orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for child support shall take precedence over any other notice of garnishment; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 371. To provide for an appeal by the State of Alabama in criminal cases from a decision, order, or judgment of the trial court in certain instances; to provide the procedures applicable to such appeals; and to pro-

vide how such appeals are to be governed.

Rep. Campbell Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 372. (With Amendment): To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 359. To amend Sections 27-43-3, 27-43-6, and 27-43-15, Code of Alabama 1975, relating to legal expense insurance, so as to permit certain persons conducting life, accident and sickness insurance business to transact legal insurance business.

H. 438. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

H. 315. To amend Section 16-11-1, Code of Alabama 1975, which defines the word "City" for city boards of education purposes, so as to further provide for the definition.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 105. (With Amendment): To exempt all persons employed in public schools from liability for certain communications concerning the suspected use, possession, sale or furnishing of any controlled substance by any student, to the student's parents, law enforcement officers or health care providers.

H. 365. (With Amendment): To make the illegal possession of food

stamps a criminal offense and to prescribe the punishment for the commission of such crime.

Rep. Campbell, Chairman of the Standing Committee on Judiciary reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 368. To provide that a conviction from any other jurisdiction which is based on a nolo contendere, "no contest," or any similiar plea, shall have the same status, effect, and admissibility in this State as any other conviction; to specify the trials, proceedings, and other matters to which this Act applies; to repeal conflicting laws; to provide for severability; and to provide an effective date for this Act.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 317. To amend sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76 of the Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

H. 225. To amend Sections 25-5-13 and 25-5-50, Code of Alabama, 1975, so as to remove certain exceptions from compulsory participation.

H. 337. To provide for a state income tax refund check-off designation for the support of programs for the aging in Alabama.

H. 375. To amend Code of Alabama 1975, §§ 13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

H. 411. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 374. (With Amendment): To amend Sections 13A-12-170, 13A-12-171, 13A-12-172, 13A-12-175, 13A-12-178, 13A-12-179, Code of Alabama, 1975, relating to the sale, exhibition, etc., of pornographic materials to minors; to define and prohibit the display, distribution and exhibition of pornography to minors; to provide for the enjoining of violations of this Act by the circuit courts; to provide for the extradition of persons charged with violations of this Act; to provide for the forfeiture of materials used in violation of this Act; to repeal Section 13A-12-176 and 13A-12-177, Code of Alabama, 1975; and to provide severability and effect dates.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was

read a second time and placed on the Calendar, to-wit:

S. 79. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1985, and thereafter.

Rep. Crow, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 338. (With Substitute): To provide that all paid firemen in any Class 1, 2, 3, 4, 5 or 6 municipality shall not be required to work in excess of 48 hours in any average week throughout the calendar year; and to repeal Act No. 565, H. 391, Regular Session 1963 (Acts 1963, p. 1188), and other conflicting acts.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 413. To be known as the "Aged Health Care Recipient Ombudsman Act"; to provide general definitions; to authorize the State Long-Term Care Ombudsman and the Alabama Commission on Aging to investigate complaints concerning health care facilities and to certify community ombudsmen; to provide for the selection, training, and duties of community ombudsmen; to establish procedures for receiving, investigating, and resolving complaints; and to provide an effective date.

H. 256. Relating to the corporate powers of health care authorities now or hereafter organized or re-incorporated under the provisions of Act No. 82-418, 1982 Regular Session (Article 11 of Chapter 21 of Title 22 of the Code of Alabama 1975, as amended); to empower any such health care authorities to provide certain health care services to persons (whether or not at health care facilities) and in connection therewith to make available to such persons certain health-care equipment, to acquire, own and operate certain day-care and similar facilities, to lend moneys to others (subject to certain conditions), to cause to be organized one or more affiliated public or not-for-profit corporations (or both) and to exercise corporate powers or functions through any such affiliated corporation (subject to certain conditions and limitations), to make available to any such affiliated corporation certain health care facilities, funds, moneys and similar assets, to provide certain services and to make available certain free or below-cost office space to health-care professionals (subject to certain conditions), and to issue securities without limit as to source of payment; and to provide that the grant of certain of such powers is declarative of existing law.

H. 120. To appropriate to the State Board of Chiropractic Examiners from its separate fund in the General Fund of the State Treasury \$10,000 for the purpose of the general operation of that Board for the fiscal year ending September 30, 1984 in addition to any and all other appropriations heretofore or hereafter made to the Board of Chiropractic Examiners; and to provide for an effective date.

H. 401. This bill authorizes the Health Department to charge fees to

reimburse the cost of laboratory analyses and services provided that are not otherwise specified for the Health Department to perform by law.

H. 402. To authorize the State Board of Health to designate the services rendered by the State and Local Health Departments for which a reasonable fee may be charged. The State Board of Health is further required to set a maximum fee for each service. The local board of health may set fees for services, not to exceed the maximum set by the State Board of Health. The local board of health may charge and collect such fees. No citizen shall be deprived of any service because that person is indigent.

H. 106. To amend section 20-2-23, Code of Alabama 1975, relating to Schedule I of controlled substances, so as to add methaqualone to such schedule.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 424. To provide preferential treatment towards admission to any medical research program for any disease deemed crippling or fatal, because of the lack of a known cure, for any sworn full time, regular employed state, county or municipal police officer or fire fighter.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 431. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

H. 471. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 304. To prescribe the conditions under which an unconvicted pris-

oner charged with a misdemeanor or felony, while awaiting trial and confined to any county jail, may perform voluntary work upon certain authorized public works; to require approval by the county governing body; and to prescribe that certain payments must be made to such person if the person is not convicted and that certain records shall be maintained.

Rep. Horn, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 162. To amend Section 17-4-134, Code of Alabama 1975, relating to voter registration, so as to allow the board of registrars to accept, as an application for absentee registration by members of the armed services or their dependents, Department of Defense Post Card Application for Registration and Absentee Ballot.

H. 340. To amend the Constitution of 1901 by replacing the article on Suffrage and Elections, Article VIII.

The above bill was read a second time at length as required by the Constitution.

H. 382. To amend Section 17-5-12 of the Code of Alabama 1975, relating to places of voting so as to provide that the county commission may designate a place of holding elections other than the courthouse in the precinct in which the courthouse is situated.

Rep. Goodwin, Chairman of the Standing Committee on Public Utilities and Transportation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 125. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the liquefied petroleum gas board and appointees and employees thereof; to amend Sections 9-17-100, 9-17-102, 9-17-103, 9-17-104, 9-17-105, 9-17-106, and 9-17-109, of the Code of Alabama 1975; and to provide penalties for violations.

H. 160. To amend Section 40-17-143, Code of Alabama 1975, so as to remove the general bonding requirements of interstate motor carriers; to authorize the commissioner to require bonds in certain cases, and to provide for a one-time application fee and to provide for an effective date.

H. 161. To amend § 40-12-262, Code of Alabama 1975, relating to trip permits; and to require cab cards of international registration plan vehicles be present in the vehicle; to provide for temporary trip permits; to provide penalties for violations of this section.

S. 120. To authorize and make provision for the incorporation of Railroad Authorities as public corporation for the purpose of acquiring, constructing, equipping, improving, maintaining, developing, and operating railroads, railroad properties and facilities, and other buildings and facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities, which are being abandoned by any railroad pursuant to final ICC authority; to provide that in order for any such Authority to be organized, application must be made to the governing body

of one or more counties, cities or towns in Alabama, as defined, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain powers; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments of construction or purchase contracts; to provide that any county, city, town or other political sub-division, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county, city or town within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

Rep. Laird, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amend-

ment, and it was read a second time and placed on the Calendar, to-wit:

H. 10. (With Amendment): To amend Sections 34-8-1 and 34-8-7, Code of Alabama 1975, to include a swimming pool contractor in the definition of "general contractor" found within Title 34, Chapter 8, Code of Alabama 1975, and to exclude a swimming pool contractor from the exemptions found within Section 34-8-7, Code of Alabama 1975.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 387. Relating to Marion County, to provide further for the compensation of the coroner.

H. 458. Relating to Sumter County; to repeal Act No. 83-66, H. 21, 1983 First Special Session, approved February 2, 1983, relating to employment by the sheriff of deputies sheriff and a secretary.

H. 482. To authorize the Clay County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

H. 491. Relating to procedures for selling and redeeming lands for taxes in Lauderdale County, Alabama.

S. 218. Relating to Cleburne County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, repealing conflicting laws; and providing for a referendum thereon.

Rep. Albright, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 434. (With Substitute): Relating to Montgomery County; to redivide said county into districts for the purpose of electing the county commission.

SPECIAL ORDER RESUMED

And the bill:

H. 316. To provide for and create the Alabama Racing Commission for the regulation, licensing and supervision of dog and horse racing and wagering thereon; to provide for the composition, appointment, powers and duties of the Alabama Racing Commission; to provide for and regulate the pari-mutuel method of wagering at race tracks; to impose license fees and taxes and to provide for the collection of the same under the provisions of the Act; to provide for a five-year exemption from the effective date of this Act for existing racing facilities in Mobile and Greene Counties and a five-year exemption from the date of the first race for all additional race facilities; to provide for the licensing of additional racing facilities by legislative act and a referendum of the voters of the county wherein the facility will be

located and to otherwise regulate horse and dog racing within the State of Alabama.

Which previously was temporarily postponed, was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the bill, H. 316:

A BILL
TO BE ENTITLED
AN ACT

To establish the Alabama Racing Commission for the regulation and supervision of dog and horse racing and pari-mutuel wagering thereon; to provide for the composition, powers and duties of the Alabama Racing Commission; to impose a privilege tax and to provide for the collection of the same under the provisions of this act; to provide a five-year exemption from the provisions of this act for existing racing facilities and for racing facilities hereafter established; to repeal other laws; to impose the state sales and use tax at all racing facilities in Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS. As used in this act, unless the context otherwise requires, the following words and phrases, and others evidently intended as the equivalent thereof, shall have the following respective meanings:

“COMMISSION” means the Alabama Racing Commission established pursuant to the provisions of this act.

“HANDLE”, when used with reference to any specified period of time, means the total amount deposited in all of the pari-mutuel pools originated by an Operator during such period of time.

“LOCAL RACING COMMISSION” means any commission, board, agency or other entity organized pursuant to the provisions of a Racing Law for the purpose of licensing, regulating and supervising dog racing or horse racing, or both, and pari-mutuel wagering thereon within one or more of the counties or municipalities within the State.

“OPERATOR” means a person licensed by a Local Racing Commission to conduct horse racing events or dog racing events, or both, and pari-mutuel wagering thereon in accordance with the provisions of the applicable Racing Law.

“OWNER” means a Person licensed by a Local Racing Commission to own a racing facility in accordance with the provisions of the applicable Racing Law.

“PERSON” means any natural person, corporation, partnership, joint venture, trust, government or governmental body, political subdivision or other legal entity as in the context may be possible or appropriate.

“RACING LAW” means (i) any duly enacted act of the Legislature of Alabama becoming effective at any time, whether before or after the effective date of this Act, or (ii) any duly adopted provision of the Constitution of Alabama which, in either case, authorizes, subject to such conditions as may be contained therein, the conduct of dog racing or horse racing, or both, and pari-mutuel wagering thereon within one or more of the counties or municipalities in the State.

"STATE" means the State of Alabama.

Section 2. ESTABLISHMENT OF COMMISSION; COMPOSITION THEREOF. The Alabama Racing Commission is hereby created and established and vested with the powers and duties specified in this act. The Commission shall consist of five members to be appointed by the Governor. Each member of the Commission shall have been a resident of the State during the five-year period immediately preceding the date of his appointment. The initial members of the Commission shall be appointed as soon as practicable after the effective date of this Act for initial terms of one year, two years, three years, four years and five years, respectively. After the expiration of such initial terms, each appointment to the Commission shall be for a term of six years. Upon the occurrence of any vacancy in office, a new member of the Commission shall be appointed by the Governor in the same manner as the original appointments. All appointments to the Commission, both initial and subsequent, shall be subject to confirmation by the Senate. An appointee shall hold office pending confirmation by the Senate. Each member of the Commission shall be of good moral character and shall never have been convicted of a felony or other offense involving moral turpitude.

The members of the Commission shall annually elect a chairman and vice-chairman from the membership thereof. No member of the Commission shall serve more than two consecutive terms as chairman. All members of the Commission must receive not less than twenty-four hours advance notice of all meetings of the Commission; provided, however, that members may waive such notice in writing. A majority of the members shall constitute a quorum for the transaction of business by the Commission. All meetings of the Commission shall be open to the public, except that executive or secret sessions may be held by the Commission when the character or good name of a person is involved. All proceedings of the Commission shall be reduced to writing and maintained in the permanent records of the Commission, a copy of which shall be made available for public inspection.

No member or employee of the Commission, and no spouse, child, parent, brother or sister of any such member or employee, (i) shall have any financial interest, direct or indirect, in any race track or operation incidental thereto which is subject to the provisions of this act or (ii) shall participate as owner of a horse, dog or otherwise as a contestant in any race subject to the jurisdiction of the Commission or have any pecuniary interest in the purse or prize contested for in any such race.

Section 3. COMMISSION EMPLOYEES; OTHER COMMISSION EXPENSES; SOURCE OF PAYMENT THEREOF. The Commission may employ an executive secretary and the executive secretary of the Commission may employ secretaries, clerks, legal counsel and other personnel as he may deem necessary, subject to the approval of the Commission. The Commission shall establish the number of employees needed by the Commission, as well as the job descriptions, job qualifications and salaries of any and all employees of the Commission. No employee of the Commission may be related in any manner whatsoever to any member of the Commission. The members of the Commission shall serve without compensation but any member of the Commission shall be reimbursed for expenses paid or incurred in the discharge of official business when approved by the Commission. All members and employees of the Commission shall be subject to the rules, regulations and requirements of the Alabama Ethics Commission.

For the period of five years beginning with the effective date of this act, the Commission may require all of the Operators in the state to pay certain

administrative fees to the Commission in order to provide for the payment of the expenses and costs of the Commission, including the compensation of the employees of the Commission. Such administrative fees may be imposed from time to time by resolution duly adopted by the Commission, provided that such fees shall not be imposed more frequently than semiannually and provided that the total amount of such administrative fees shall not exceed Fifty Thousand Dollars (\$50,000.00) in any calendar year. For any administrative fee imposed pursuant to the provisions of this section, the Commission shall provide each Operator in the State with notice thereof, which notice shall set forth the total amount of the fee to be collected, each Operator's share of such total fee, the date upon which such fee is due and payable [which shall not be earlier than thirty (30) days after the date of such notice] and the costs and expenses of the Commission which are to be paid with the moneys so collected. Each such administrative fee shall be borne by all of the Operators in the State on a proportionate basis, with each Operator's share thereof to be that percentage obtained by dividing (i) such Operator's Handle for the twelve-month period immediately preceding the date of imposition for such fee by (ii) the aggregate Handle of all of the Operators in the State for such twelve-month period. After the expiration of the initial five-year period after the effective date of this Act, the expenses and costs of the Commission shall be paid from the proceeds of the privilege tax provided for in Section 7 of this act. The Commission shall annually submit a budget to the Legislature.

Section 4. POWERS AND DUTIES OF THE COMMISSION. The Commission shall have the powers and duties necessary to carry out the provisions of this act, including, without limitation, the following powers and duties:

(1) The Commission shall have the power to sue and be sued in its own name in civil suits and actions and to defend suits against it.

(2) The Commission shall have the power to adopt and make use of an official seal and to alter the same at pleasure.

(3) The Commission shall have the power to adopt, alter and repeal bylaws, regulations and rules, not inconsistent with the provisions of this act, for the regulation and conduct of its affairs and business.

(4) The Commission shall be vested with supervision and authority over all dog races and horse races conducted within the State and over all persons conducting, participating in or attending such races. The Commission may eject or exclude from any racetrack or from any part thereof any person whose conduct or reputation is such that his presence may, in the opinion of the Commission, reflect adversely on the honesty and integrity of dog racing or horse racing or interfere with the orderly conduct thereof.

(5) The members and employees of the Commission may visit, investigate and have free access to the office, track, facilities or other place of business of an Operator, and may compel the production of any of an Operator's books, documents, records or memoranda for the purpose of satisfying itself that such Operator is truthfully complying with the provisions of this act, the provisions of the applicable Racing Law and the rules and regulations of the Local Racing Commission to the jurisdiction of which such Operator is subject.

(6) The Commission may issue subpoenas for the attendance of witnesses before it, administer oaths and compel production of records or other documents and testimony of such witnesses whenever the Commission finds

it necessary and appropriate so to do in order to carry out its duties under this act or to enforce the provisions of this act.

(7) The Commission shall have the power to compel an Owner or Operator to file with the Commission such information, including, without limitation, financial statements and information relative to stockholders and all others with any pecuniary interest in such Owner or Operator, as shall appear to the Commission to be necessary for the performance of its duties hereunder.

(8) The Commission shall have the power to enter into arrangements with any governmental or nongovernmental agency or association for the purposes of exchanging information, establishing security forces or performing any other act better to ensure the proper conduct of dog racing and horse racing.

(9) The Commission shall have the power to demand and obtain for its files the fingerprints of the following persons, which fingerprints may be taken by a representative of a governmental law enforcement agency as the Commission may designate: (i) all members, officers and employees of the Commission; (ii) every person who is an officer, director, partner or other principal of a corporation, partnership or other entity which holds a license as an Owner or Operator, and every employee of such a licensee whose duties relate to dog racing or horse racing; (iii) all owners of dogs or horses, trainers, jockeys, apprentices, stable employees, managers, agents, blacksmiths, veterinarians and other persons who actively participate in the racing activities of any Operator; and (iv) all other persons whose relationship to dog racing or horse racing and wagering activities is of such nature that the Commission, in the exercise of reasonable judgment, believes that it would be prudent to obtain the fingerprints of such persons.

Section 5. REVIEW OF LICENSES AND PERMITS. The Commission may review the records of each Local Racing Commission pertaining to the (i) licenses granted by such Local Racing Commission to Owners and Operators and (ii) the permits granted by such Local Racing Commission to other participants in racing activities. If the Commission determines, on the basis of any such review, that any such license or permit has been granted by a Local Racing Commission to a Person who is not, under the provisions of the applicable Racing Law (including, without limitation, provisions establishing residency requirements or setting forth general criteria with respect to character and integrity), a qualified holder thereof, then the Commission shall provide such Local Racing Commission with written notice of such determination, along with a demand that such Local Racing Commission either (a) suspend or revoke such license or permit or (b) require the holder of such license or permit to take such actions within a reasonable time as are necessary to comply with the provisions of the applicable Racing Law. Any such license or permit which is not suspended or revoked by such Local Racing Commission may be suspended or revoked by the Commission if the holder thereof has not complied with the pertinent provisions of the applicable Racing Law within a period of three months after the date of the Commission's initial notification to such Local Racing Commission of its determination with respect to such license or permit.

Section 6. REVIEW OF WAGERING OPERATIONS. (a) Pari-mutuel wagering with respect to dog racing and horse racing may be conducted only in accordance with the provisions of the respective Racing Law and the rules and regulations of the respective Local Racing Commissions; provided, however, that any Operator is hereby authorized to conduct pari-

mutuel pools where the bettors are required to select three or more dogs or horses. The Commission shall supervise the pari-mutuel wagering operations at each dog racing facility and horse racing facility within the State. In the event that the Commission determines that pari-mutuel wagering at a racing facility is not being conducted in accordance with the provisions of the applicable Racing Law and the rules and regulations of the Local Racing Commission having jurisdiction over such facility, then the Commission shall provide such Local Racing Commission with written notice of such determination, along with the demand for immediate enforcement of the applicable Racing Law and the rules and regulations thereunder in order to obtain compliance therewith. In the event that the actions required to obtain such compliance do not occur within three months after the date of delivery of such notice from the Commission to such Local Racing Commission, then the Commission may suspend or revoke the license of the Operator conducting the pari-mutuel wagering operation in question or take any other action which such Local Racing Commission is empowered by law to take in such situation.

(b) It is expressly provided that at any existing dog or horse racing track paying eight percent (8%) tax to the Local Racing Commission, the Operator shall be entitled to deduct an additional two percent (2%) from all pari-mutuel betting pools where the bettors are required to select three or more dogs or horses, which shall be added to the present allocation of the licensee.

Section 7. PRIVILEGE TAX. In addition to all other taxes, licenses, fees, assessments and commissions imposed by law, each Operator shall pay an annual privilege tax equal to one percent (1%) of its annual Handle to the State; provided, however, that, for any Operator which is now or hereafter required by law to pay a fee or tax to the Local Racing Commission having jurisdiction over it in an amount equal to or greater than eight percent (8%) of its Handle, the amount of the annual privilege tax hereby imposed shall equal one percent (1%) of that portion of its annual Handle derived from pari-mutuel pools where the bettors are required to select three or more dogs or horses.

In the event that any Racing Law heretofore or hereafter enacted requires any Operator subject to the provisions thereof to pay directly to the State, or any department or agency thereof, a tax, fee or other charge, the amount of which is determined by reference to the amount of such Operator's Handle, then such Operator shall be entitled to a credit against the tax imposed by this section in an amount equal to the amount of the tax, fee or other charge paid by such Operator pursuant to such Racing Law.

Section 8. COLLECTION OF PRIVILEGE TAX. The privilege tax imposed by this act shall be collected in the same manner as other privilege taxes levied by the State. The Department of Revenue of the State is hereby given the authority to examine all the books, records and other documents of each Operator to ensure compliance with the terms of this act and the prompt payment of the tax imposed hereby. The Department of Revenue of the State is hereby authorized to promulgate all rules and regulations necessary to implement the collection and distribution of the tax imposed by this act.

The revenue derived from the privilege tax imposed by this act shall be paid by the Department of Revenue of the State to the State Treasurer for deposit into the General Fund of the State.

Section 9. FIVE-YEAR EXEMPTION FROM PROVISIONS

HEREOF. The existing greyhound racing facilities located in Mobile County and Greene County shall be exempt from the provisions of this act, except for the assessments for the payment of the administrative fees provided for in Section 3 hereof, for the period of five years beginning with the effective date of this act. Any additional racing facility heretofore or hereafter authorized by law shall be exempt from the provisions of this act, except for the assessments for the payment of the administrative fees provided for in Section 3 hereof, for the period of five years beginning with the date upon which the first race is conducted at such racing facility.

Section 10. SEVERABILITY. The provisions of this act are severable. If any provision of this act shall be declared invalid, unconstitutional or void, the balance of this act shall remain in full force and effect.

Section 11. REPEAL OF OTHER LAWS; IMPOSITION OF SALES AND USE TAX AT ALL RACING FACILITIES. All laws or parts of laws which conflict with this act are hereby repealed. The provisions of any Racing Law which exempt the sale of tangible personal property from the Alabama Sales and Use Tax laws are hereby expressly repealed and the sales and use tax laws which are codified in Sections 40-23-1 through 40-23-110, Code of Alabama 1975, are hereby levied and imposed on the sale of all tangible personal property at all existing or future racing facilities in the State of Alabama. The sales and use taxes hereby levied and imposed shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments, deductions and discounts in accordance with the provisions of Sections 40-23-1 through 40-23-110 of the Code of Alabama 1975. Provided, however, that no sales or use tax shall be levied on the sale of alcoholic beverages at any existing or future racing facility licensed under this act.

Section 12. EFFECTIVE DATE. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 74; Nays 6.

Yeas:

Mr. Speaker, Albright, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (John), Campbell, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Perdue, Poole, Pratt, Rains, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—74

Nays: Reps.: Bachus, Black, Brooks, Butler, McNair and Payne.

—6

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. McDowell inadvertently abstained from voting on the bill, S. 22, and intended to vote

"Nay".

Permission was granted for the Journal to show that Rep. Melton inadvertently voted "Nay" on the bill, S. 22, and intended to abstain from voting.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 6. LEGISLATIVE MEETING DATES.

McDOWELL LEE,
Secretary.

H. 316 RESUMED

AMENDMENT OFFERED

Rep. Reed offered the following amendment to the bill, H. 316 as amended.

Amend H. B. 316, Section 9, page 10, line 26 by adding after the words "Greene County" the following:

and Macon County

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Black, Blake, Blakeney, Box, Brakefield, Browder, Bryant, Bugg, Burke, Buskey (John), Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Perdue, Poole, Pratt, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—73

Nay: Rep. Butler.

—1

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, H. 316 as amended:

Amend H. B. 316 subst. to subst. on page 9, Section 7, line 26 by (striking) the following: (one percent (1%) and substituting therefore the following:)

seven percent (7%)

and by striking on said page, beginning with "provided, however, that," on line 27, lines 27, 28, 29, 30, 31, 32, 33, 34

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Brooks to the bill, H. 316 as amended, was tabled.

Yeas 54; Nays 23.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Boles, Box, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Gaston, Gray, Grayson, Grimsley, Hall, Hammett, Harper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, McDowell, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Onderdonk, Perdue, Pratt, Reed, Rice, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Trammell, Turner, Venable, White (L) and Zoghby.

—54

Nays:

Reps.: Adams, Beers, Brooks, Burke, Butler, Carter, Flowers, Goodwin, Grouby, Harvey, Hooper, Johnson (R.G.), Laird, Lindsey, McKee, McMillan, Penry, Poole, Preuitt, Rains, Warren, White (F) and White (G).

—23

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 6. Relative to meeting dates from Tuesday, February 7, 1984 through Thursday, March 29, 1984.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 316 RESUMED
AMENDMENT OFFERED

Rep. Brooks offered the following amendment #2 to the bill, H. 316 as amended:

Amend H. B. 316 subst. to subst. on page 9, Section 7, line 26 by (striking) the following: one percent (1%) and substituting therefore the following:

Six percent (6%)

and by striking on said page, beginning with "provided, however, that," on line 27, lines 27, 28, 29, 30, 31, 32, 33, 34

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AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #2 offered by Rep. Brooks to the bill, H. 316 as amended was tabled.

Yeas 56; Nays 25.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Boles, Box, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Fuller, Gaston, Gray, Grayson, Hall, Hammett, Harper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, McDowell, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Onderdonk, Perdue, Pratt, Rice, Richardson, Rogers, Seibels, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable, White (L) and Zoghby.

—56

Nays:

Reps.: Adams, Bachus, Beers, Brooks, Burke, Butler, Clark (D), Coburn, Flowers, Goodwin, Grimsley, Grouby, Harvey, Hooper, Laird, Lindsey, McKee, McMillan, Payne, Penry, Poole, Rains, Warren, White (F) and White (G).

—25

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #3 to the bill, H. 316 as amended:

Amend. H. B. 316 subst. to subst. on page 9, Section 7, line(s) 26 by (striking) the following: one percent (1%) and substituting therefore the following:

five percent (5%)

and by striking on said page, beginning with "provided, however, that," on line 27, lines 27, 28, 29, 30, 31, 32, 33, 34

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #3 offered by Rep. Brooks to the bill, H. 316 as amended, was tabled.

Yeas 50; Nays 26.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Boles, Box, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Fuller, Gaston, Grayson, Hall, Harper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, McDowell, McMillan, Marietta, Mathis, Melton, Newman, Onderdonk, Penry, Perdue, Pratt, Reed, Rogers, Seibels, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, White (L) and Zoghby.

—50

Nays:

Reps.: Adams, Bachus, Beers, Britnell, Brooks, Burke, Butler, Carter, Clark

(D), Goodwin, Gray, Grimsley, Grouby, Harvey, Hooper, Johnson (R.G.), Laird, Lindsey, McKee, Poole, Rains, Rice, Smith, Warren, White (F) and White (G).

—26

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #4 to the bill, H. 316 as amended:

Amend H. B. 316 subst. to subst. on page 9, Section 7, line(s) 26 by (striking) the following: one percent (1%) and substituting therefore the following:

four percent (4%)

and by striking on said page, beginning with "provided, however, that," on line 27, lines 27, 28, 29, 30, 31, 32, 33, 34

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #4 offered by Rep. Brooks to the bill, H. 316 as amended, was tabled.

Yeas 53; Nays 26.

Yeas:

Mr. Speaker, Albright, Blake, Blakeney, Boles, Box, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Fuller, Gaston, Gray, Grayson, Hall, Harper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalhaim, McDowell, McMillan, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Onderdonk, Penry, Perdue, Pratt, Rice, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Trammell, Turner, White (L) and Zoghby.

—53

Nays:

Reps.: Adams, Bachus, Beers, Britnell, Brooks, Burke, Butler, Carter, Clark (D), Coburn, Flowers, Goodwin, Grimsley, Grouby, Harvey, Holmes, Hooper, Laird, Lindsey, Poole, Rains, Smith, Venable, Warren, White (F) and White (G).

—26

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #5 to the bill, H. 316 as amended:

Amend. H. B. 316 subst. to subst. on page 9, Section 7, line(s) 26 by (striking) the following: one percent (1%) and substituting therefore the following:

three percent (3%)

and by striking on said page, beginning with "provided, however, that," on line 27, lines 27, 28, 29, 30, 31, 32, 33, 34

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #5 offered by Rep. Brooks to the bill, H. 316 as amended; was tabled.

Yeas 52; Nays 24.

Yeas:

Mr. Speaker, Albright, Blake, Blakeney, Boles, Box, Brakefield, Bryant, Bugg, Buskey (James), Campbell, Carter, Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Ford, Fuller, Gaston, Grayson, Hall, Harper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, McDowell, Marietta, Martin, Mathis, Melton, Moore, Newman, Onderdonk, Perdue, Pratt, Reed, Rice, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Trammell, Turner, White (L) and Zoghby.

—52

Nays:

Reps.: Bachus, Beers, Britnell, Brooks, Burke, Butler, Clark (D), Flowers, Goodwin, Grimsley, Grouby, Hooper, Lindsey, McKee, Mikell, Mitchell, Payne, Poole, Preuitt, Rains, Smith, Venable, Warren and White (F).

—24

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #6 to the bill, H. 316 as amended:

Amend H. B. 316 subst. to subst. on page 9, Section 7, line 26 by (striking) the following: one percent (1%) and substituting therefore the following:

two percent (2%)

and by striking on said page, beginning with "provided, however, that," on line 27, lines 27, 28, 29, 30, 31, 32, 33, 34

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #6 offered by Rep. Brooks to the bill, H. 316 as amended, was tabled.

Yeas 57; Nays 27.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Boles, Box, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Fuller, Gaston, Gray, Grayson, Hall, Harper, Hettinger, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, McDowell, McMillan, Marietta, Martin, Mathis, Melton, Mitchell, Newman, Nicholson, Onderdonk, Perdue, Pratt, Reed, Rice, Richardson, Rogers, Seibels, Spratt, Thomas, Trammell, Turner, White (L) and Zoghby.

—57

Nays:

Reps.: Adams, Bachus, Beers, Bowling, Britnell, Brooks, Burke, Butler, Clark (D), Coburn, Flowers, Goodwin, Grimsley, Grouby, Harvey, Hooper, Laird, Lindsey, McKee, Mikell, Moore, Poole, Preuitt, Rains, Smith, Venable and Warren.

—27

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 58. MOURNING THE DEATH OF FIRE CHIEF DON WILEY AYERS OF REECE CITY, ALABAMA.

Also:

H. J. R. 61. COMMENDING THE THOMASVILLE, ALABAMA, JUNIOR WOMEN'S CLUB FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 65. NAMING THE MAINTENANCE SHOP BUILDING AT THE NORTHPORT NATIONAL GUARD ARMORY THE "GEORGE H. MAYFIELD MAINTENANCE SHOP."

Also:

H. J. R. 68. RECOGNIZING RETIRED POLICE CHIEF WINSTON JONES ORR OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

H. J. R. 69. COMMENDING MS. BARBARA ELY PRUDHOMME OF MOBILE, ALABAMA.

Also:

H. J. R. 78. DESIGNATING "SPECIES BASILOSaurus CE-TOIDES," THE ANCIENT WHALE FOSSIL AS THE OFFICIAL ALABAMA FOSSIL.

Also:

H. J. R. 79. COMMENDING JACKSONVILLE STATE UNIVERSITY COACH JIM FULLER.

Also:

H. J. R. 82. MOURNING THE DEATH OF JUDGE O. D. ALSOBROOK OF LAFAYETTE, CHAMBERS COUNTY, ALABAMA.

McDOWELL LEE.
Secretary.

H. 316 RESUMED
AMENDMENT OFFERED

Rep. Butler offered the following amendment to the bill, H. 316 as amended.

Section 9 in its entirety.

and in lieu thereof, the following:

Section 9:

Any tract established after Jan. 1, 1983 shall be exempted for 5 years:

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AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Butler to the bill, H. 316 as amended, was tabled.

Yeas 54; Nays 15.

Yeas:

Mr. Speaker, Albright, Blakeney, Bowling, Box, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, McDowell, Marietta, Martin, Mathis, Melton, Mitchell, Newman, Nicholson, Onderdonk, Perdue, Pratt, Reed, Rogers, Seibels, Spratt, Thomas, Trammell, Turner, Venable and Zoghby.

—54

Nays:

Reps.: Beers, Browder, Burke, Butler, Flowers, Gray, Grouby, Laird, McNair, Poole, Preuitt, Rains, Smith, Warren and White (G).

—15

AMENDMENT OFFERED

Rep. Butler offered the following amendment #2 to the bill, H. 316 as amended:

Amend H. B. 316 on page 9, Section 7, by (striking) the following: Section 7 in its entirety.

and inserting in lieu thereof, the following:

Section 7 Privilege Tax: All pari-mutuel tracts operating in Ala. shall pay an amount of 8% to the State of Alabama — said amount to come from the bettors pool.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #2 offered by Rep. Butler to the bill, H. 316 as amended, was tabled.

Yeas 47; Nays 23.

Yeas:

Mr. Speaker, Albright, Blake, Blakeney, Bowling, Box, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (W), Crow, Davis, Escott, Fuller, Gaston, Grayson, Hall, Hammett, Harper, Hettinger, Horn, Johnson (Roy), Kennedy, Kvalheim, McDowell, McMillan, McNair, Mathis, Melton, Moore, Newman, Onderdonk, Perdue, Pratt, Rogers, Seibels, Spratt, Starkey, Thomas, Trammell, Turner and White (L).

—47

Nays:

Reps.: Bachus, Britnell, Brooks, Burke, Butler, Clark (D), Flowers, Goodwin, Gray, Grimsley, Grouby, Hooper, Laird, McKee, Mikell, Mitchell, Poole, Preuitt, Rains, Smith, Venable, Warren and White (G).

—23

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #7 to the bill, H. 316 as amended:

Amend H. B. 316 subst. for subst. on page 1, Section , line(s) 27-29 by (striking) the following: "to provide a five-year exemption from the provisions of this act for existing racing facilities and for racing facilities hereafter established;"

by striking, on page 5 at line 23, the following: "After the expiration of the initial five-year period after the effective date of this Act;"

and by striking Section 9 from the bill

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #7 offered by Rep. Brooks to the bill, H. 316 as amended, was tabled.

Yeas 53; Nays 28.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Box, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Fuller, Gaston, Gray, Grayson, Hall, Harper, Hettinger, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, McDowell, McMillan, McNair, Marietta, Mathis, Melton, Newman, Nicholson, Onderdonk, Perdue, Pratt, Richardson, Rogers, Seibels, Spratt, Starkey, Tanner, Trammell, Turner, White (L) and Zoghby.

—53

Nays:

Reps.: Adams, Bachus, Beers, Bowling, Britnell, Brooks, Burke, Butler, Clark (D), Flowers, Ford, Goodwin, Grimsley, Grouby, Hammett, Harvey, Hooper, Laird, McKee, Mikell, Poole, Rains, Smith, Turnham, Venable, Warren, White (F) and White (G).

—28

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #8 to the bill, H. 316 as amended:

Amend H. B. 316 subst. to subst. on page 9, Section 6(b), line(s) 16-22 by (striking) paragraph (b)

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #8 offered by Rep. Brooks to the bill, H. 316 as amended, was tabled.

Yeas 52; Nays 21.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Box, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Escott, Ford, Fuller, Gaston, Gray, Grayson, Hall, Harper, Hettinger, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, McMillan, McNair, Marietta, Melton, Mitchell, Newman,

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Nicholson, Onderdonk, Perdue, Pratt, Rogers, Seibels, Spratt, Starkey, Trammell, Turner, Venable, White (L) and Zoghby.

—52

Nays:

Reps.: Adams, Bachus, Beers, Boles, Bowling, Burke, Flowers, Grimsley, Grouby, Hammett, Harvey, Hooper, Laird, Lindsey, McDowell, McKee, Poole, Rains, Smith and White (G).

—21

AMENDMENT OFFERED

Rep. Laird offered the following amendment to the bill, H. 316 as amended:

Amend H. B. 316 subst. to subst. on page 9, Section 6(b), line(s) 16-22 by (striking) paragraph (b) and striking Section 9

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Laird to the bill, H. 316 as amended, was tabled.

Yeas 47; Nays 17.

Yeas:

Mr. Speaker, Albright, Black, Blake, Box, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Davis, Dutton, Escott, Fuller, Gaston, Goodwin, Grayson, Hall, Harper, Hettinger, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, McDowell, McMillan, McNair, Marietta, Mathis, Mitchell, Newman, Penry, Perdue, Rogers, Seibels, Spratt, Starkey, Turner and Zoghby.

—47

Nays:

Reps.: Beers, Bowling, Britnell, Brooks, Flowers, Ford, Grouby, Harvey, Hooper, Laird, McKee, Mikell, Rains, Starr, Warren, White (F) and White (G).

—17

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 316 as amended:

Amend H. B. 316, Section 2, Page 11, line(s) 6 by (striking or adding) after the word(s) the following: after the word "Governor" on page 3, line 6, add the following: at least two of whom shall be black and shall be appointed as the second and fourth appointees and at every appointing time thereafter.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Holmes to the bill, H. 316 as amended, was tabled.

Yeas 45; Nays 22.

Yeas:

Mr. Speaker, Beers, Blakeney, Box, Brakefield, Carothers, Clark (D), Clark (W), Coleman, Crow, Fuller, Gaston, Goodwin, Gray, Grimsley, Hammett, Harvey, Hettinger, Hooper, Johnson (Roy), Junkins, Kennedy, McKee, McMillan, Marietta, Mathis, Mitchell, Newman, Nicholson, Penry, Pratt, Rice, Seibels, Smith, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—45

Nays:

Reps.: Adams, Black, Blake, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carter, Escott, Harper, Holmes, Johnson (R.G.), Kvalheim, McDowell, McNair, Melton, Onderdonk, Payne, Poole, Reed and Thomas.

—22

AMENDMENT OFFERED

Rep. Mikell offered the following amendment to the bill, H. 316 as amended:

In Section 2, page 3, line 19, after the word "Senate" strike the period and add the following language and period: and House of Representatives.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Mikell to the bill, H. 316 as amended, was tabled.

Yeas 43; Nays 22.

Yeas:

Mr. Speaker, Albright, Blakeney, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Escott, Fuller, Goodwin, Gray, Grayson, Hall, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, McDowell, Mathis, Melton, Newman, Nicholson, Onderdonk, Parker, Pratt, Rice, Rogers, Seibels, Spratt, Starkey, Tanner, Thomas, Trammell, Turner and Zoghby.

—43

Nays:

Reps.: Blake, Boles, Box, Brooks, Cosby, Gaston, Grimsley, Hammett, Hooper, Kvalheim, Laird, McKee, McMillan, Mikell, Penry, Poole, Smith, Starr, Venable, Warren, White (F) and White (G).

—22

SUBSTITUTE OFFERED

Rep. Adams offered the following substitute to the bill, H. 316 as amended:

A BILL TO BE ENTITLED AN ACT

To create a commission to study the creation of an Alabama Racing Commission and to comprehensively study all impacts of pending legislation

relating to gambling, to provide for the duration, composition, meetings, office space, compensation and reporting of said committee and to prohibit for a period of three (3) years from the enactment hereof all legalized pari-mutuel or other forms of gambling in this state.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a commission to be called the Public Gambling Study Commission (hereinafter referred to as "the commission"). The commission shall be composed of twelve (12) members as follows: The Governor, who shall be chairman, and three persons appointed by the Governor; the Lieutenant Governor, who shall be co-chairman, and three persons appointed by the Lieutenant Governor; the Attorney General and three persons appointed by the Attorney General. The commission shall study the feasibility of the creation of an Alabama Racing Commission and how said commission should be composed, appointed and empowered. The committee shall also study all aspects and impacts of the legislation pending before the legislature which deal with legalized wagering or gambling. The committee shall meet on the call of the chairman, and appointed members shall receive \$50.00 per meeting day and the same travel and per diem allowance as is paid regular state employees. Office space for the committee and funds necessary to compensate and reimburse its members shall be provided from the Governor's office budget. The committee shall exist for a period of three (3) years following passage of this act, at which time it shall make a full report to the legislature of its findings and recommendations. After presenting its report, the committee shall automatically expire.

Section 2. For a period of three (3) years following passage of this act, no pari-mutuel wagering other than that now provided for by law, nor any other form of otherwise legalized gambling or gaming shall be conducted in this state.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Johnson (Roy), the substitute offered by Rep. Adams to the bill, H. 316 as amended, was tabled.

Yeas 53; Nays 41.

Yeas:

Mr. Speaker, Albright, Bachus, Biddle, Boles, Bowling, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Faulk, Goodwin, Grayson, Grimsley, Hall, Hettinger, Horn, Junkins, Kennedy, Lindsey, McDowell, McMillan, McNair, Mathis, Melton, Mitchell, Moore, Newman, Onderdonk, Payne, Perdue, Pratt, Preuitt, Rice, Rogers, Seibels, Spratt, Starkey, Tanner, Thomas, Warren, White (F) and White (G).

Nays:

Reps.: Adams, Black, Box, Brakefield, Britnell, Brooks, Butler, Carter, Cosby, Dutton, Flowers, Ford, Fuller, Gaston, Grouby, Hammett, Harper, Harvey, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, McKee, Marietta, Mikell, Nicholson, Parker, Penry, Poole, Rains, Richardson, Smith, Starr, Trammell, Turnham, Venable, Warren, White (L) and Zoghby.

—41

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 58. MOURNING THE DEATH OF FIRE CHIEF DON WILEY AYERS OF REECE CITY, ALABAMA.

Also:

H. J. R. 61. COMMENDING THE THOMASVILLE, ALABAMA, JUNIOR WOMEN'S CLUB FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 65. NAMING THE MAINTENANCE SHOP BUILDING AT THE NORTHPORT NATIONAL GUARD ARMORY THE "GEORGE H. MAYFIELD MAINTENANCE SHOP."

Also:

H. J. R. 68. RECOGNIZING RETIRED POLICE CHIEF WINSTON JONES ORR OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

H. J. R. 69. COMMENDING MS. BARBARA ELY PRUDHOMME OF MOBILE, ALABAMA.

Also:

H. J. R. 78. DESIGNATING "SPECIES BASILOSAURUS CETOIDES," THE ANCIENT WHALE FOSSIL AS THE OFFICIAL ALABAMA FOSSIL.

Also:

H. J. R. 79. COMMENDING JACKSONVILLE STATE UNIVERSITY COACH JIM FULLER.

Also:

H. J. R. 82. MOURNING THE DEATH OF JUDGE O. D. ALSOBROOK OF LAFAYETTE, CHAMBERS COUNTY, ALABAMA.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

And the bill:

H. 316. To establish the Alabama Racing Commission for the regulation and supervision of dog and horse racing and pari-mutuel wagering thereon; to provide for the composition, powers and duties of the Alabama Racing Commission; to impose a privilege tax and to provide for the collection of the same under the provisions of this act; to provide a five-year exemption from the provisions of this act for existing racing facilities and for racing facilities hereafter established; to repeal other laws; to impose the state sales and use tax at all racing facilities in Alabama.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 86; Nays 11.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Harvey, Hettinger, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lindsey, McDowell, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—86

Nays:

Reps.: Black, Boles, Box, Brooks, Gaston, Harper, Holmes, Kvalheim, Payne, Reed and Starr.

—11

LEAVE OF ABSENCE

At the request of Rep. Johnson (Roy), leave of absence was granted for Rep. Holley.

And the bill:

H. 13. (With Substitute) (With Amendment): To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 mu-

municipality on the question of whether this Act will become effective in such municipality; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in any Class 1 municipality in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission; to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of a license fee for pari-mutuel wagering by each licensed operator to the racing commission licensing such operator and to specify the method for determining the amount of any such fee; to provide that any such racing commission may enter into contacts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent Act of the Legislature; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to au-

thorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in Class 1 municipalities.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 municipality on the question of whether this Act will become effective in such municipality; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in any Class 1 municipalities in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission; to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering by each licensed operator to the state and to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide that any such racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent act of the Legislature; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be

transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; in the event that a state racing commission shall be established pursuant to any act enacted before or after the effective date of this Act, to provide in such event that any municipal racing commission created under this Act and its licensees shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission for a period beginning with the effective date of this Act and continuing until the end of the fifth calendar year next succeeding the calendar year in which racing events shall first be conducted under the jurisdiction of such municipal racing commission; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in Class 1 municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings. It is hereby found and declared as follows: the conduct within Class 1 municipalities in the state of horse racing events and pari-mutuel wagering thereon will generate additional revenues for governmental and charitable purposes, provide additional jobs for the residents of the state and benefit the businesses related to tourism and recreation within any such municipality and throughout the surrounding areas of the state; it is desirable to permit the qualified voters of any Class 1 municipality to determine through referendum whether horse racing and pari-mutuel wagering thereon will be permitted in such municipality; and for each Class 1 municipality in which horse racing is approved by the voters thereof, it is necessary and desirable to provide for the establishment of a racing commission to regulate horse racing and pari-mutuel wagering thereon within such municipality and to administer and enforce the provisions of this Act.

Section 2. Definitions and Use of Phrases. (a) As used in this Act, the following terms, and others evidently intended as the equivalent thereof, shall, unless the context clearly indicates otherwise, have the following respective meanings:

(1) ALABAMA BRED. When used with reference to a thoroughbred horse or a standardbred horse, this term means a horse which is registered in the registry designated and administered by a commission in accordance with such rules concerning domicile and registration requirements as may be established by such commission and which is either (i) foaled from a mare domiciled in the state during the seven-year period beginning with the

effective date of this Act or (ii) sired by an Alabama stallion and foaled from a mare domiciled in the state at any time after the expiration of such seven-year period.

(2) **ALABAMA STALLION.** When used with reference to a thoroughbred stallion or a standardbred stallion, this term means a stallion which is standing in the state at the time he is bred to the dam of an Alabama-bred horse, which is registered with a commission, and which is alternatively (i) owned by a resident of the state and standing the entire stud season in the state, (ii) owned by a resident of another state but standing the entire stud season in the state and leased by a resident of the state for a term of not less than two years or (iii) owned jointly by a resident of the state together with a resident of another state and leased by a resident of the state for a term of not less than two years. For purposes of this definition, a resident of the state may be any one of the following: (1) a natural person whose principal residence is located in the state; (2) a natural person who does not maintain his or her principal residence in the state but who personally owns, singly or jointly with his or her spouse, real property located in the state that has an original cost to such person or a current fair market value of not less than \$100,000; or (3) a corporation or partnership which has its principal place of business in the state and more than fifty percent (50%) of the stock or other ownership interest in which is owned by natural persons described in clause (1) or (2) of this sentence. The commission with which any Alabama stallion may be registered shall have the power to prescribe rules and regulations governing the manner by which the qualifications of a resident shall be confirmed to such commission for purposes of this definition.

(3) **BREAKAGE.** This term means the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents.

(4) **BREEDER.** This term means the owner of a mare at the time such mare gives birth to an Alabama-bred thoroughbred or standardbred foal.

(5) **BREEDING FUND.** This term means a special fund established by a commission pursuant to the provisions of Section 34 of this Act and any applicable rules and regulations of such commission for the purpose of promoting the breeding, raising and racing of thoroughbred or standardbred horses in the state.

(6) **BREEDING FUND FEE.** This term means a fee payable to a commission by an operator pursuant to Section 34 of this Act for deposit into the breeding fund established by such commission.

(7) **COMMISSION.** This term means any public corporation organized pursuant to the provisions of this Act.

(8) **COMMISSION WAGERING FEE.** This term means a license fee payable to a commission by an operator for a particular calendar year, the amount and payment schedule of which are to be determined in accordance with the provisions of Section 30 hereof.

(9) **HANDLE.** When used with reference to any specified period of time, this term means the total amount deposited in all of the pari-mutuel pools originated by an operator during such period of time.

(10) **HOST COUNTY.** This term means any county in which a sponsoring municipality is located. With respect to a sponsoring municipality located in more than one county, host county means the county in which the largest number of residents of the sponsoring municipality reside, as determined by the most recent federal decennial census.

(11) **HOST COUNTY HOUSE DELEGATION.** With respect to a host county, this term means the members of the House of Representatives of the Legislature of Alabama from those representative districts which are located entirely within such host county.

(12) **HOST COUNTY SENATE DELEGATION.** With respect to a host county, this term means the members of the Senate of the Legislature of Alabama from those senatorial districts which are located entirely within such host county.

(13) **MEMBER.** This term means a member of a commission.

(14) **NET REVENUES.** This term means all fees (other than breeding fund fees), commissions and other moneys received by a commission and remaining after the payment of all expenses incurred in the administration of this Act. This term does not include any state wagering fees, which are required to be paid by an operator directly to the state.

(15) **OPERATOR.** This term means a corporation licensed by a commission to conduct horse racing events and pari-mutuel wagering thereon in accordance with the provisions of this Act.

(16) **OWNER.** This term means a corporation, partnership or other business entity licensed by a commission to own a racing facility in accordance with the provisions of this Act.

(17) **PERSON.** This term means any natural person, corporation, partnership, joint venture, trust, government or governmental body, political subdivision or other legal entity as in the context may be possible or appropriate.

(18) **SPONSORING MUNICIPALITY.** This term means any municipality for which a commission shall be created in accordance with the provisions of this Act.

(19) **STALLION OWNER.** This term means the owner of a stallion standing in the state at the time he was bred to the dam of an Alabama-bred thoroughbred or standardbred horse.

(20) **STATE.** This term means the State of Alabama.

(21) **STATE RACING COMMISSION.** This term means any department, agency or instrumentality of the state, whether or not constituting a corporate entity separate from the state, that may at any time, whether before or after the effective date of this Act, be created, organized or established for the purpose, among other purposes, of licensing, regulating or supervising horse racing and pari-mutuel wagering thereon.

(22) **STATE WAGERING FEE.** This term means a license fee payable to the state by an operator, the amount and payment schedule of which are to be determined in accordance with the provisions of Section 29 hereof.

(b) The words "herein", "hereby", "hereunder", "hereof" and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used. The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein, any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 3. Authorization of Commissions. A commission is authorized to be created in accordance with the provisions of this Act for each Class 1

municipality, as Class 1 municipality is defined in Code of Alabama 1975, § 11-40-12 or any successor provision of law. Any commission created for any sponsoring municipality pursuant to the provisions of this Act shall be named "The _____ (the name of the sponsoring municipality shall be inserted in the blank) Racing Commission" and shall be a public corporation having a legal existence separate and apart from the state and any county, municipality or political subdivision thereof. A commission shall be vested with the powers and duties specified in this Act and all other powers necessary and proper to enable it to execute fully and effectively the purposes of this Act. Immediately upon the incorporation of a commission in accordance with the provisions of this Act, horse racing and pari-mutuel wagering thereon conducted in the sponsoring municipality in accordance with the provisions of this Act shall be lawful, notwithstanding any other provisions of law to the contrary.

Notwithstanding any provisions hereof which connect the state with the creation and control of a commission, any commission incorporated pursuant to the provisions of this Act shall not be deemed to be part of the state for any purpose, but shall be treated as a public corporation and body politic separate and apart from the state. Except for the state wagering fee, all fees, commissions and other moneys which a commission shall be authorized by this Act to charge, levy or receive shall be deemed to be moneys belonging exclusively to such commission, and no allocation or payment of such moneys authorized or mandated by this Act shall be considered to be an appropriation of moneys belonging to or controlled by the state.

Notwithstanding any provisions hereof which connect a commission with its sponsoring municipality, the host county or any other county or municipality [including, without limitation thereto, the provisions of Section 4 hereof regarding a referendum in the sponsoring municipality to approve the incorporation of a commission and the provisions of Section 5 hereof providing for (i) the mayor or other chief executive officer of the sponsoring municipality to serve ex officio as one member of a commission and to appoint another member and (ii) the president or other designated presiding officer of the county commission to serve ex officio as one member of a commission], any commission incorporated pursuant to the provisions of this Act shall not be deemed to be a local agency or instrumentality of the sponsoring municipality or the host county, but shall be treated as a public corporation and body politic having rights, powers and duties which, to the extent herein specified, shall be effective without reference to the rights, powers, duties and territories of the sponsoring municipality and the host county. Except for the state wagering fee, all fees, commissions and other moneys which a commission shall be authorized by this Act to charge, levy or receive shall be deemed to be moneys belonging exclusively to such commission, and the sponsoring municipality and the host county shall have no interest therein except to the limited extent expressly provided by this Act.

Section 4. Referendum to Approve Commission. The governing body of any Class 1 municipality shall call and provide for holding a referendum for the purpose of determining if a commission shall be incorporated for such municipality pursuant to this Act. The initial referendum shall be held not less than forty-five (45) days nor more than ninety (90) days after the effective date of this Act and shall be advertised, held, conducted and the results thereof canvassed and declared in the manner provided by law for advertising, holding, conducting and canvassing other municipal elections and as said governing body shall provide in the resolution or ordinance calling such election. The question to be voted on shall be stated on the ballots

or voting machine tags substantially as follows:

"Do you favor the authorization of horse racing and pari-mutuel wagering thereon in the City of _____ (insert the name of the municipality) and the creation of a racing commission for said city to license, regulate and supervise horse racing and pari-mutuel wagering thereon as provided in Act No. _____ (insert Act number) adopted at the _____ (insert session identification) Session of the Legislature of Alabama?"

If a majority of the votes cast in any referendum are "Yes", this Act shall become operative with respect to the municipality conducting such referendum, and horse racing and pari-mutuel wagering thereon shall be legal in such municipality as and to the extent conducted in accordance with the provisions of this Act; if the majority of the votes cast in such election are "No", this Act shall have no further effect with respect to such municipality, unless the governing body thereof should later call another referendum. One or more subsequent referenda may be called by the governing body of a Class 1 municipality if the question submitted at the initial or any subsequent referendum fails to receive a majority of favorable votes; provided, however, that not more than one referendum may be called by any municipality in each calendar year. Once authorized and incorporated, a commission may not be dissolved except pursuant to general act of the Legislature of Alabama applicable to such commission. The results of any referendum conducted for a Class 1 municipality pursuant to this Act shall be certified to the Secretary of State, within 30 days after the election returns are canvassed, by the officer then authorized by law to certify proceedings taken by the election commission, board of canvassers or other body then required by law to canvass and declare the results of elections held in such municipality.

Section 5. Members of Commission. (a) Every commission shall have five members, which shall constitute its governing body. All powers of a commission shall be exercised by its members or pursuant to their authorization. The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall each serve as a member ex officio, and the service of each such official as a member shall begin and end concurrently with the beginning and ending of his or her tenure in such office. The other three members shall be appointed in the manner hereinafter prescribed as soon as may be practicable after the certification to the Secretary of State of a favorable vote at a referendum called and held pursuant to Section 4 of this Act. The mayor or other chief executive officer of the sponsoring municipality, the host county house delegation and the host county senate delegation shall each appoint one member. The appointments of members by the host county house delegation and the host county senate delegation shall be made at meetings of the members of the respective delegations held pursuant to the call of the mayor or other chief executive officer of the sponsoring municipality, who shall provide the members of each delegation with written notice of any such meeting at least ten (10) days prior to the date set therefor. All meetings of the host county house delegation or the host county senate delegation called and held pursuant to this Act shall be open to the public. Any appointment of a member by the host county house delegation or the host county senate delegation must be approved by a majority of the members of such delegation voting in person at a public meeting called and held pursuant to this Act. Any meeting of the host county house delegation or the host county senate delegation at which fewer than a majority of the members of such delegation are present, or at which no appointment of a member is made because of a failure to obtain

the approval of a majority of the members of such delegation, may be adjourned to a future time and place announced at such meetings; provided that, if either delegation fails to appoint a member within thirty (30) days of the date of the first meeting called for the purpose of such appointment, the right of such delegation to appoint a member shall terminate and such appointment shall be made as soon thereafter as practicable by the mayor or other chief executive officer of the sponsoring municipality.

(b) The member to be appointed by the mayor or other chief executive officer of the sponsoring municipality shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the third calendar year next following the calendar year in which the referendum authorizing the incorporation of the commission shall be conducted; the member to be appointed by the host county house delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fourth calendar year next following the calendar year in which the referendum authorizing the incorporation of the commission shall be conducted; the member to be appointed by the host county senate delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fifth calendar year next following the calendar year in which the referendum authorizing the incorporation of the commission shall be conducted. Thereafter, the term of office of each appointed member shall be five years, commencing at noon on the July 1 on which the term of the immediate predecessor member shall end.

(c) If at any time there shall be a vacancy among the appointed members of a commission (i.e., those members who do not serve ex officio), a successor member shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed member (other than those initially appointed), whether for a full five-year term or to complete an unexpired term, shall be made by the officer or legislative delegation responsible for the appointment of the member whose term shall have expired or is to expire or in whose position a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such member is to take office as such. If the term of any member shall expire prior to the reappointment of such member or prior to the appointment of his successor, such member shall continue to serve until his successor is appointed, and if such member is reappointed for a new term after the expiration of the immediately preceding term which he has been serving, his new term of office shall be deemed to have commenced at noon on the July 1 on which the immediately preceding term shall have expired. Members shall be eligible for reappointment without limit as to the number of terms previously served. In the event that any appointments are not made within sixty (60) days after the certification to the Secretary of State of a favorable vote at a referendum called and held pursuant to this Act (in the case of initial appointments), or within thirty (30) days of the end of a term or other vacancy, then a vacancy shall be filled or a successor member appointed by a majority of the members holding appointments already made or serving as ex officio members. Appointments shall be evidenced by a written certificate executed by the appointing official, or, in the case of appointments made by a majority of the other members, by a certificate signed by the members making such appointment, or, in the case of appointments made by a legislative delegation, by the members of the delegation voting for such appointment or by a member of the delegation designated to serve as the secretary of the meeting at which such appointment is made and to report the results thereof to the Secretary of State. The certifi-

cates evidencing the appointment of members of a commission shall be addressed and delivered to the Secretary of State, who shall maintain the originals of such certificates as official records in his or her office.

(d) Each appointed member of any commission shall have been a resident of the host county for a period of at least five years prior to his or her appointment and shall, at the time of his or her appointment and at all times during his or her term of office, be a resident of the host county and a qualified elector of the state, and a failure by any appointed member to remain so qualified during such term of office shall cause a vacancy of the office of such member. No person serving as a member of the Legislature of the state, serving as a member of the governing body of any municipality, county or other political subdivision of the state, or holding a full-time office or position of employment with the United States of America, the state, any county or municipality in the state, or any instrumentality, agency or subdivision of any of the foregoing, shall be eligible for appointment as a member of a commission. Service by any person as a member, director, trustee or other participant in the management or administration of any governmental agency, board or commission, or public educational institution, or other public body of the United States of America, the state, or any county or municipality or other political subdivision shall not render such person ineligible for appointment as a member of a commission unless such service constitutes full-time employment. Each appointed member shall be of good moral character and shall never have been indicted by a grand jury for any felony or other offense involving moral turpitude, shall never have been convicted of a felony or other offense involving moral turpitude, shall never have been the subject of injunctive or disciplinary action by any federal or state court or regulatory body charged with protecting the public against fraudulent or illegal conduct, and shall never have been made the subject, either singly or in conjunction with others, of an investigation by either a federal or state law-enforcement agency into activities that violate or allegedly violate federal or state laws against criminal conspiracy, racketeering, illegal gambling and other activities associated with organized crime. Each appointed member of a commission shall make and submit to the appointing officer or legislative delegation responsible for his or her appointment an affidavit confirming his or her qualifications, as set forth in the preceding provisions of this subsection (d), to serve as a member of a commission, which affidavit shall be filed with the Secretary of State along with the aforesaid certificate evidencing such appointment. Any appointed member of a commission who in such affidavit intentionally makes a false statement of material fact or intentionally fails to disclose any information necessary to make any statement of material fact made therein not misleading shall be guilty of perjury and shall be subject to prosecution and punishment therefor in the same manner as if he had committed perjury as a witness in open court.

(e) Any person who is an appointed member of a commission shall be deemed to vacate his or her office as such member by (i) the acceptance of any office or employment which, had such person held such office or been so employed at the time of his or her appointment as a member, would have rendered such person ineligible for appointment as a member or (ii) the occurrence of any event or circumstance involving the character of such person [including, without limitation, any of the events or circumstances described in the fourth sentence of subsection (d) of this section] which, had such event or circumstances occurred prior to the time of his or her appointment as a member, would have precluded such appointment. Any appointed member may be impeached and removed from office as a member

of a commission in the same manner and on the same grounds provided in Section 175 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the state for impeachment and removal of the public officers subject to said Section 175 or successor provision thereof. The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county may not be impeached and removed from office as a member of a commission apart from their impeachment and removal from the respective offices by virtue of which, ex officio, they serve as members.

Section 6. Incorporation of Commission. The five persons initially designated as members of a commission shall become a corporation with the power and authority provided in this Act by proceeding according to the provisions of this Act. To become a corporation, the persons so designated shall present to the Secretary of State an application signed by them which shall contain the following:

- (1) a statement that the applicant propose to incorporate a commission pursuant to this Act;
- (2) the name and principal residence of each of the applicants;
- (3) the date on which each applicant who is not an ex officio member was appointed and the expiration date of the term for which he was appointed;
- (4) the term of office for each applicant who is an ex officio member;
- (5) the name of the proposed corporation, which shall be "The _____ (name of the sponsoring municipality) Commission";
- (6) the location of the principal office of the proposed corporation, which shall be the sponsoring municipality; and
- (7) any other matter relating to such commission which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the state.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state to take acknowledgements to deeds. The Secretary of State shall examine the application, and if the Secretary of State finds that it substantially complies with the requirements of this section, he shall receive, file and record it in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name stated in the application, without the necessity of any further action under any other laws of the state applicable to the creation of corporations, and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the Great Seal of the State, and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation or dissolution of any commission.

Section 7. General Provisions Respecting Members of a Commission. No member shall vote on or participate in the discussion or consideration of any matter coming before a commission in which he, his immediate family, or any business enterprise with which he is associated has any direct or indirect pecuniary interest; provided, however, that when any such matter is

brought before a commission, any member having an interest therein which may be in conflict with his obligations as a member shall immediately make a complete disclosure to such commission of any direct or indirect pecuniary interest he may have in such matter prior to removing himself and withdrawing from the commission's deliberations and vote on the matter presented. In furtherance, and not in limitation of the foregoing provision, no member or employee on, and no spouse, child, parent, brother or sister of any such member or employee, (i) shall have any financial interest, direct or indirect, in any horse racetrack or operation incidental thereto which is subject to the provisions of this Act, or in any entity which has submitted an application for a license under this Act, or in the operation of any wagering authorized under this Act or (ii) shall participate as owner of a horse or otherwise as a contestant in any race subject to the jurisdiction of a commission or have any pecuniary interest in the purse or prize contested for in any such race. No appointed member or officer of a commission (e.g., any member or officer of a commission who does not serve as such by reason of his holding another office), no employee of a commission, and no spouse, child, parent, brother or sister of any such appointed member or officer or of any such employee, shall make, or cause to be made on his or her behalf, any contribution to any holder of any office of the state or any office of the sponsoring municipality or the host county of such commission or any contribution to any candidate for any such office.

The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall perform the duties of members of a commission, ex officio, without any compensation other than that to which they are respectively entitled as such municipal or county officers. Appointed members of a commission shall be entitled to such compensation for their services as the commission shall from time to time provide by duly adopted resolution, provided that no appointed member of a commission shall receive more than \$100 for each day or part thereof spent in the performance of his duties. Each member, whether appointed or serving ex officio, shall be reimbursed for his or her reasonable expenses incurred in the performance of his or her duties as a member of a commission. The compensation and expenses of members shall be paid out of the funds of a commission in accordance with such rules as shall be from time to time adopted by such commission. A majority of the members of a commission shall constitute a quorum for the transaction of business by such commission, and, in the absence of a rule incorporated in the bylaws of a commission that, in certain circumstances, may require the favorable vote of a designated percentage of all the members of a commission, decisions shall be made on the basis of a majority of the quorum then present and voting, with each member to have a single vote. No vacancy in the membership of a commission or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum to exercise all of the powers and duties of the commission.

Section 8. Officers of a Commission. The officers of a commission shall consist of a chairman, vice chairman, executive secretary, treasurer and such other officers as the commission shall deem necessary or appropriate. The chairman and vice chairman of a commission shall be elected by the commission from the membership thereof. The executive secretary shall be appointed as provided in Section 10 hereof. The principal financial officers of the sponsoring municipality of a commission shall serve ex officio as the treasurer of such commission.

Section 9. Treasurer of a Commission; Investment of Funds of a Com-

mission. The treasurer of a commission shall collect all the fees, commissions and other moneys provided for in this Act, and shall supervise, check and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof. The principal financial officer of a sponsoring municipality shall perform the duties of the treasurer of a commission, ex officio, without any compensation other than that to which he or she is entitled as the principal financial officer of such sponsoring municipality, but he or she shall be reimbursed for expenses actually incurred in the performance of his or her duties as treasurer of a commission. All managerial, accounting and clerical personnel which the principal financial officer of a sponsoring municipality shall determine to be necessary to keep the books and records of a commission created for such sponsoring municipality and to perform the audit and other financial functions for such commission authorized or contemplated by this Act shall be employees of such sponsoring municipality and shall perform their duties under the supervision of such principal financial officer in his capacity as ex officio treasurer of such commission; provided, however, that the number, qualifications and compensation of personnel employed by such sponsoring municipality to perform all financial functions for such commission shall be subject to the approval of such commission, as well as to such other laws and regulations as may be applicable to such personnel as employees of such sponsoring municipality. Each commission shall reimburse the sponsoring municipality for all costs and expenses incurred in the performance of all financial functions for such commission, including a reasonable allowance for the time of the principal financial officer of such sponsoring municipality devoted to the business of such commission as its ex officio treasurer.

The funds of a commission which its treasurer determines are not then needed to discharge its obligations or to make the disbursements provided for in Sections 34 and 36 hereof may be invested in such of the following investments as its treasurer may determine to be most advantageous or convenient: (i) any time deposit with, or any certificate of deposit issued by, or any acceptance by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation; (ii) any direct, general obligation of the United States of America; (iii) any obligation payment of the principal of and interest on which is unconditionally guaranteed by the United States of America; (iv) any direct, general obligation of, or any obligation payment of the principal of and interest on which is unconditionally guaranteed by, any agency or instrumentality of the United States of America (including, without limitation, the Federal National Mortgage Association); and (v) any repurchase agreement or reverse repurchase agreement with any bank which is a member of the Federal Deposit Insurance Corporation (or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation) or with any government bond dealer reporting to and trading with the Federal Reserve Bank of New York, provided that such agreement is secured by obligations or securities described in clauses (i), (ii), (iii) and (iv) of this sentence. Funds of a commission not invested in accordance with the preceding sentence shall be deposited in a bank the principal office of which shall be located in the sponsoring municipality and the deposits of which shall be insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation.

Section 10. Powers and Duties of a Commission. A commission shall have the powers and duties necessary to license, regulate and supervise horse racing and pari-mutuel wagering incidental thereto, including, without limiting the generality of the foregoing, the powers and duties set forth hereinafter in this section or in other sections of this Act.

(1) A commission shall have succession in perpetuity, subject only to the provisions of this Act as it may be amended from time to time.

(2) A commission shall have the power to sue and be sued in its own name in civil suits and actions and to defend suits against it.

(3) A commission shall have the power to adopt and make use of an official seal and to alter the same at pleasure.

(4) A commission shall have the power to adopt, alter and repeal by-laws, regulations and rules, not inconsistent with the provisions of this Act, for the regulation and conduct of its affairs and business.

(5) A commission shall have the power (a) to borrow money from any source, including the sponsoring municipality (which is hereby authorized to lend such money to its related commission), for the purpose of paying expenses that may be reasonably incurred in carrying out its duties in advance of the receipt of fees, commissions and other moneys payable to it under the provisions of this Act, and (b) to pledge as security for the payment of the principal of and interest on the money so borrowed all or any of such fees, commissions and other moneys, which pledge shall be prior to any and all claims to such fees, commissions and other moneys from any intended recipients of breeding fund fees pursuant to Section 34 hereof or from any intended recipients of the net revenues pursuant to Section 36 hereof; provided, however, that no commission shall be entitled to borrow, or to allow to remain outstanding at any time, a principal amount in excess of (i) \$500,000 or (ii) the amount which the commission estimates will be its total operating expenses for the next three years, whichever of such amounts is the lesser.

(6) A commission shall establish and maintain a general business office within its sponsoring municipality for the transaction of its business at a place to be determined by such commission. A commission shall meet at such times and places within its sponsoring municipality as it shall determine.

(7) Each commission shall be vested with supervision and authority over all horse races licensed by it under the provisions of this Act and over all persons conducting, participating in or attending such races. A commission shall employ such persons to be present at race meetings as are necessary to ensure that they are conducted with order and the highest degree of integrity, and it may require that an operator pay such salaries to such of the commission's employees as it shall prescribe. A commission may eject or exclude from any racetrack or from any part thereof any person, whether or not he possesses a permit, whose conduct or reputation is such that his presence may, in the opinion of the commission, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of horse racing.

(8) A commission and its representatives and employees shall visit, investigate and have free access to the office, track, facilities or other place of business of an operator, and may compel the production of any of an operator's books, documents, records or memoranda for the purpose of satisfying itself that such operator is truthfully complying with the provisions of this

Act and the commission's rules and regulations. A commission shall require that there be delivered to it an annual balance sheet and income statement of each operator subject to its jurisdiction and also a copy of any management, concession or other contract to which any such operator is a party.

(9) A commission shall adopt and publish reasonable rules, regulations and conditions under which all types of racing subject to its jurisdiction, and pari-mutuel wagering, shall be conducted in its sponsoring municipality, and such other reasonable regulations as it deems necessary and appropriate to carry out the purposes and provisions of this Act. Such rules and regulations may include reasonable penalties for violations which shall be in the nature of civil and not criminal penalties.

(10) A commission may issue subpoenas for the attendance of witnesses before it, administer oaths and compel production of records or other documents and testimony of such witnesses whenever such commission finds it necessary and appropriate so to do in order to carry out its duties under this Act or to enforce the provisions of this Act or rules or regulations adopted pursuant hereto.

(11) A commission shall have the power to compel an owner or operator to file with such commission such information, including, without limitation, financial statements and information relative to stockholders and all others with any pecuniary interest in such licensee as shall appear to such commission to be necessary for the performance of its duties hereunder, and may prescribe the manner in which books and records of an owner or operator shall be kept.

(12) A commission shall have the power to enter into arrangements with any governmental or nongovernmental agency or association for the purposes of exchanging information, establishing security forces or performing any other act better to ensure the proper conduct of horse racing.

(13) A commission shall have the power to demand and obtain for its files the fingerprints of the following persons, which fingerprints may be taken by a representative of a law-enforcement agency of the county, state or federal government, by inspectors of such commission or by such qualified private security agency as such commission may designate: (i) all members, officers and employees of such commission; (ii) every person who is an officer, director, partner or other principal of a corporation, partnership or other entity which holds a license as an owner or operator, and every employee of such a licensee whose duties relate to the horse racing business in the sponsoring municipality; (iii) all owners of horse, trainers, jockeys, apprentices, stable employees, managers, agents, blacksmiths, veterinarians and other persons who actively participate in the racing activities of any operator; and (iv) all other persons whose relationship to horse racing and wagering activities under the jurisdiction of such commission is of such nature that such commission, in the exercise of reasonable judgment, believes that it would be prudent to obtain the fingerprints of such persons.

(14) A commission shall report annually to the governing body of its sponsoring municipality and to such state and federal authorities as shall be required by law.

(15) All books, records, maps, documents and papers of a commission, including those filed with such commission as well as those prepared by or for it, shall at all times be open for the personal inspection of any officer of the state, the sponsoring municipality or the host county or any official investigative body or committee of any thereof, and no person having charge

or custody thereof shall refuse this right to any officer or investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information. If any member of a commission violates the provisions of this paragraph, he shall be subject to removal from office.

(16) Subject to the provisions of Section 11 of this Act, a commission shall appoint an executive secretary and such other employees as it deems essential to perform its duties under this Act. Such employees shall possess such authority and perform such duties as the commission shall prescribe or delegate to them. Such employees may include stewards, chemists, veterinarians, inspectors, accountants, guards, and such other employees deemed by the commission to be necessary for the supervision and the proper conduct of the highest standard of horse racing. Such employees shall be compensated as provided by the commission.

(17) The executive secretary of a commission, in addition to any other duties prescribed by such commission, shall keep a true and full record of all proceedings of such commission and preserve at such commission's general office all books, documents and papers of such commission.

(18) A commission shall have the authority to employ legal counsel of its choice to advise such commission and represent it in all proceedings. The compensation of such counsel shall be paid out of funds of such commission.

Section 11. Qualifications and Commission Employees. Each appointed officer and each employee of a commission shall be of good moral character and shall never have been indicted by a grand jury for any felony or other offense involving moral turpitude, shall never have been convicted of a felony or other offense involving moral turpitude, shall never have been the subject of injunctive or disciplinary action by any federal or state court or regulatory body charged with protecting the public against fraudulent or illegal conduct, and shall never have been made the subject, either singly or in conjunction with others, of an investigation by either a federal or state law-enforcement agency into activities that violate or allegedly violate federal or state laws against criminal conspiracy, racketeering, illegal gambling and other activities associated with organized crime. As a condition of employment by a commission each employee shall make and submit to such commission an affidavit confirming his or her qualifications, as set forth in the preceding sentence, to be an employee of such commission, which affidavit shall constitute a part of the permanent personnel records of such commission. Any employee of a commission who in such affidavit intentionally makes a false statement of material fact or intentionally fails to disclose any information necessary to make any statement of material fact made therein not misleading shall be guilty of perjury and shall be subject to prosecution and punishment therefor in the same manner as it he had committed perjury as a witness in open court.

Section 12. Review of Commission Actions. Any person aggrieved by a refusal of a commission to issue any license or permit, or suspension or revocation of a license or permit, imposition of a fine, or any other action of the commission, may, within thirty (30) days of such action, appeal to the circuit court of the host county. If such court finds that the action of such commission was arbitrary, it shall order the issuance or reinstatement of such license or permit, abatement of such fine or such other action as it deems appropriate. The decision of such court shall be subject to appeal as in other cases at law.

Section 13. Commission may Obtain Injunctions. Whenever it appears

to a commission that any person has been violating or may violate any provision of this Act or any reasonable rule or regulation or final decision of such commission, it may apply to the circuit court of the host county for an injunction against such person. The order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

Section 14. Licenses Required for Owners and Operators. No person shall construct or establish a horse racetrack where race meetings are to be held and pari-mutuel wagering permitted, or own any such track or racing facilities in the sponsoring municipality, unless he has obtained an owner's license issued by a commission in accordance with the provisions of this Act, which license when granted shall authorize the holder thereof to conduct, establish and own in the sponsoring municipality a horse racetrack where race meetings are held and pari-mutuel wagering permitted in compliance with this Act.

No person shall operate pari-mutuel wagering or conduct any race meeting at which wagering is permitted with his knowledge or acquiescence in the sponsoring municipality unless he has obtained an operator's license under the provisions of this Act, which license when granted shall authorize the holder thereof to operate pari-mutuel wagering or conduct a race meeting at which pari-mutuel wagering is permitted in the sponsoring municipality in compliance with this Act.

No license issued under the provisions of this Act shall be transferable without the approval of the commission which issued such license, such approval to be given or withheld under rules and regulations adopted by such commission.

Section 15. Application for Owner's License. Any person desiring to construct or own a racetrack at which pari-mutuel wagering is permitted shall file with the appropriate commission an application for an owner's license. Such application shall be filed at the time and place prescribed by such commission and shall be in such form and contain such information as may be prescribed by such commission, including the following:

(1) the name and address of such person; if a corporation, the state of its incorporation and the full name and address of each officer and director thereof; if a foreign corporation, whether it is qualified to do business in the state; and if a partnership or joint venture, the name and address of each general partner thereof;

(2) the name, and every address for the period of five years immediately preceding the date of such application, of each stockholder or member of such corporation, or each general partner of such partnership or joint venture, and or joint venture, and of each person who has contracted for a pecuniary interest in the applicant or the facilities at which such race meeting or pari-mutuel wagering will be conducted, whether such interest be an ownership or security interest, and the nature and value of such interest, and the name and address of each person who has agreed to lend money to the applicant; provided that if the applicant proposes to arrange further financing, subsequent to the award of an owner's license, through a sale of stock, partnership interests or other equity interests, the issuance of debt securities, the entering into of financing leases or otherwise borrowing money, then, in such case, such commission may grant an owner's license which sets forth conditions to be met in arranging such further financing or which reserves to such commission the right to approve any or all aspects of such further financing;

(3) such information as such commission deems appropriate regarding the character and responsibility of the applicant and the members, partners, stockholders, officers and directors of the applicant;

(4) the location and description of the racetrack, place or enclosure where such applicant proposes to hold race meetings; provided that such commission may require such information about the facilities and location of the track, including preliminary architectural plans, as it deems necessary and appropriate to determine whether they comply with the minimum standards provided in this Act, and whether the conduct of race meetings at such location would be in the best interests of the people of the state;

(5) such information relating to the financial responsibility of the applicant as such commission deems appropriate;

(6) if any of the facilities necessary for the conduct of racing or pari-mutuel wagering are to be leased, the terms of such lease; and

(7) any other information which such commission in its discretion deems appropriate.

Any application filed hereunder shall be verified by the oath or affirmation of an officer of the applicant, and shall be accompanied by a nonrefundable fee of \$15,000.

Section 16. Review of Application for Owner's License. A commission shall promptly consider any application for an owner's license submitted to it and shall grant or deny such license based on all information before it, including any investigations it deems appropriate. A commission shall deny a license to any applicant unless it finds as follows:

(1) that each natural person having an ownership interest in the applicant, either directly or indirectly, shall have been a resident of the state continuously for a period of five years next preceding the date of the application in question; and

(2) that the applicant's facilities will meet the following minimum standards: (a) that the facilities will provide a track racing surface of at least one mile; and (b) that the facilities will be appropriate for the conduct of year-round racing and night racing.

For purposes of clause (1) of the next preceding sentence of this section, a resident of the state shall be a natural person who during the period in question had such continuing presence in the state as would have satisfied the residency requirements for such person to be and remain a registered voter in the state during such period.

The provisions of this section which permit an owner's license to be granted to an owner only if each natural person having ownership interest in such owner has been a resident of the state continuously for the preceding five years shall not be construed (A) to impair the foreclosure rights of any mortgagee holding a mortgage on the racing facilities of such owner securing debt incurred to finance the costs of constructing or purchasing such racing facilities or (B) to impair the rights of any mortgagee holding such a mortgage, or the rights of any other person, corporation or other legal entity to which such racing facilities may be sold in foreclosure, to take and hold title to such racing facilities, to lease or sell the same, and to apply for and receive an owner's license therefor from the commission upon compliance with all other applicable provisions of this Act, irrespective of whether the aforesaid condition of five years' residency in the state shall be satisfied by each individual having an ownership interest in such mortgagee

or an ownership interest in a corporation or other legal entity to which such racing facilities shall be sold, as the case may be.

A commission shall deny a license to an applicant if it finds that for any reason the issuance of a license to such applicant would not be in the interests of the people of the sponsoring municipality, or that the applicant, or any officer, general partner or director of the applicant:

(i) has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for in the application;

(ii) is or has been guilty of any corrupt or fraudulent act, practice or conduct in connection with any horse race meeting in the state or any other state;

(iii) has had a license or permit to hold or conduct a horse race meeting denied for just cause, suspended or revoked in any other state or country; or

(iv) is not qualified to do business in the state, or is not subject to the jurisdiction of the courts of the state.

Section 17. Terms of Owner's License. An owner's license issued under this Act shall be for a period determined by the commission issuing such license, not to be less than twenty-five (25) years, but shall be reviewed annually. A commission issuing an owner's license shall state therein the person to whom such license is issued, the duration of such license, the location of the proposed racetrack, and such other conditions of the license and related information as such commission shall deem proper. It shall be the policy of each commission to permit widespread ownership of stock or limited partnership interests in a corporation or partnership holding an owner's license and owning a racetrack facility.

While any owner's license or licenses theretofore issued by a commission shall remain in effect, such commission shall not issue (i) any other owner's license with respect to the racetrack covered by the owner's license or licenses already in effect or (ii) any other owner's license covering any other racetrack to be located in the sponsoring municipality without, in either case, the duly authorized consent of the owner or owners holding all owner's licenses already in effect, which consent shall be obtained in writing prior to the issuance of any such other owner's license. Any provisions of this Act or any other law to the contrary notwithstanding, a commission may, at the time of the issuance of an owner's license to an owner or at any time thereafter, enter into a contract with such owner establishing restrictive conditions under which such commission may license racetracks that would compete with the racetrack covered by the license of such owner, which conditions may, in the discretion of such commission, preclude the licensing of any competing racetracks while such owner's license shall remain in effect. The provisions of any such contract between a commission and an owner shall be deemed to be a part of the terms and conditions of the owner's license granted to such owner. Without in any way limiting the nature of the consideration that might be given by an owner to make such contract binding, the obligations (including any future obligations) of any operator using the racetrack covered by such owner's license to pay the state wagering fee and the commission wagering fee, together with the economic benefits to be derived by the state and by such commission and its sponsoring municipality from the establishment and continued operation of a racetrack, shall be deemed sufficient consideration to make such contract binding upon such commission and any state racing commission. Any such

contract between a commission and an owner shall be binding upon such commission and any state racing commission at any time exercising jurisdiction over such commission or such owner and shall not be impaired by any subsequent action of such commission or such state racing commission or by any act of the Legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the establishment and operation of a competing racetrack in contravention of such contract.

A commission may require a bond with surety acceptable to it in an amount determined by it to be sufficient to cover the maximum indebtedness anticipated to be incurred by the licensee to such commission in any year. The amount of such bond may be adjusted from time to time as such commission may require.

Each commission may require the licensee to pay such commission a license fee of \$2,000 per month for a period beginning six months from the date of issuance of the owner's license to the date of the beginning of operation of the related racetrack. The license fee shall be used by the commission for operating expenses prior to the beginning of operation of the racetrack.

Section 18. Application of Operator's License. Any corporation desiring to hold race meetings at which pari-mutuel wagering is permitted shall file with the appropriate commission an application for an operator's license. Such application may be made in conjunction with an application for an owner's license. It shall be filed at the time and place prescribed by the commission and shall contain such information as prescribed by the commission, including all information required for an owner's license under this Act. Any application for an operator's license filed hereunder shall be verified by the oath or affirmation of an officer of the applicant and shall be accompanied by a nonrefundable fee of \$10,000.

Section 19. Review of Application for Operator's License. A commission shall promptly consider any application for an operator's license submitted to it and shall grant or deny such license based on all information before it, including any investigation it deems appropriate. A commission shall deny a license to any applicant unless it finds as follows:

(1) that such applicant is a corporation organized under Title 10 of the Code of Alabama 1975, or comparable law or laws of another state, and qualified to do business in the state;

(2) if the corporation is a stock corporation, that no one person owns more than thirty percent (30%) in voting rights or value of the stock of such corporation, and that no "family group" (which shall mean, for the purposes of this clause (2), any person and his or her spouse, parents, brothers and sisters) owns more than fifty percent (50%) in voting rights or value of the stock of such corporation; if the corporation is a nonstock corporation, that there are at least ten members, and that no more than twenty percent (20%) of the membership belongs to any family group;

(3) if the corporation is a stock corporation, that one hundred percent (100%) in voting rights and value of such corporation is owned directly or indirectly (through ownership of corporate stock, partnership interests or beneficial interests in one or more trusts or estates) by natural persons who have been residents of the state continuously for a period of five years next preceding the date of the application in question; if the corporation is a nonstock corporation, that members of such corporation possessing one

hundred percent (100%) of the voting rights are natural persons who have been residents of the state for a period of five years next preceeding the date of the application in question;

(4) that the members of the board of directors of such corporation, whether the same shall be a stock or a nonstock corporation, are individuals who have been residents of the state for a period of five years next preceding the date of the application in question;

(5) that the applicant's articles or certificate of incorporation or other corporate documents provide that it may, on vote of a majority of the stockholders or members, purchase at fair market value the entire stock or interest of any stockholder, or require the resignation of any member who is or becomes unqualified for such position under this Act;

(6) that the applicant would be qualified, under the provisions of this Act, for a license to own the racetrack facilities at which it desires to hold a race meeting;

(7) that the applicant shall have made, or shall have committed to make, arrangements satisfactory to such commission for the detection and prosecution of any corrupt or fraudulent act, practice, or conduct in connection with any race meeting, including utilization of the services of a protective agency acceptable to such commission; and

(8) that the applicant shall have obtained and committed to maintain membership in such racing associations (as, for example, the Thoroughbred Racing Association or the United States Harness Association) as such commission finds necessary or desirable to assist an operator to operate race meetings. For purposes of clauses (3) and (4) of the next preceding sentence of this section, a resident of the state shall be a natural person who during the period in question had such continuing presence in the state as would have satisfied the residency requirements for such person to be and remain a registered voter in the state during such period.

Section 20. Terms of Operator's License. An operator's license issued under this Act shall be for a period determined by the commission issuing such license, not to be less than twenty-five (25) years, but shall be reviewed annually. Any such license issued under this Act shall permit the holder thereof to hold and conduct one or more race meetings each year at the racetrack to which such license shall be applicable. Races may be conducted six days or nights a week throughout the year, but not on Sunday.

A commission issuing an operator's license shall state therein the corporation to which such license is issued, the location of the racetrack where meetings are to be conducted, the period during which such license shall be in effect, and such other conditions of the license and related information as such commission shall deem proper.

While any operator's license or licenses theretofore issued by a commission shall remain in effect, such commission shall not issue any other operator's license with respect to any racing events of the kind covered by the operator's license or licenses already in effect without the duly authorized consent of the operator or operators holding all operator's licenses already in effect, which consent shall be obtained in writing prior to the issuance of any such other operator's license. Any provisions of this Act or any other law to the contrary notwithstanding, a commission may, at the time of the issuance of an operator's license to an operator or at any time thereafter, enter into a contact with such operator establishing restrictive conditions under which such commission may license the conduct of racing events that

would compete with the racing events or activities covered by the license of such operator, which conditions may, in the discretion of such commission, preclude the licensing of any competing racing events or activities while such operator's license shall remain in effect. The provisions of any such contract between a commission and an operator shall be deemed to be a part of the terms and conditions of the operator's license granted to such operator. Without in any way limiting the nature of the consideration that may be given by an operator to make such contract binding, the obligations (including any future obligations) of any operator to pay the state wagering fee and the commission wagering fee, together with the other economic benefits to be derived by the state and by such commission and its sponsoring municipality from the conduct of horse racing and pari-mutuel wagering thereon, shall be deemed sufficient consideration to make such contract binding upon such commission and any state racing commission. Any such contract between a commission and an operator shall be binding upon such commission and any state racing commission at any time exercising jurisdiction over such commission or such operator and shall not be impaired by any subsequent action of such commission or such state racing commission or by any act of the Legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the conduct of racing events or activities by persons other than such operator in contravention of such contract.

A commission issuing an operator's license shall require a bond with surety acceptable to it, and in an amount determined by it to be sufficient to cover the maximum indebtedness anticipated to be incurred by the holder of such license to such commission in any year. The amount of such bond may be adjusted from time to time as such commission may require.

Section 21. Suspension or Revocation of License. A commission may suspend or revoke any license or fine the holder thereof not to exceed \$5,000 after hearing with fifteen (15) days' notice in any case where it has reason to believe that any regulation of the commission has not been complied with or has been violated. Annually, each commission shall review the performance of each licensee for compliance with the provisions of this Act and the rules and regulations of such commission. Deliberations of a commission under this section may be conducted in executive session, unless otherwise requested by the licensee. If any such license is suspended or revoked, the commission shall state its reasons for doing so, which shall be entered of record. Such action shall be final unless appealed in accordance with the provisions of this Act.

Section 22. Application to Acquire Interest in Operator. Any person desiring to acquire stock in, or become a member of, a corporation which holds an operator's license hereunder shall apply to the commission which issued such license on a form prescribed by it for approval of such acquisition or membership; provided, however, that no stock in any stock corporation holding an operator's license may be acquired or transferred pursuant to the provisions of this section unless all the natural persons who will ultimately own, directly or indirectly, all the voting rights and value represented by such stock shall have been residents of the state (as "resident of the state" is defined in Section 19 hereof) continuously for a period of five years next preceding the date on which such stock is to be acquired or transferred; provided further that no person shall become a member of any nonstock corporation holding an operator's license unless such person is a natural person who shall have been a resident of the state (as "resident of the state" is defined in Section 19 hereof) continuously for a period of five years next preceding the date on which such person is to become a member

of such corporation. The commission shall consider such application forthwith, and may, if it finds it necessary, demand additional information concerning the proposed acquirer or transferee of stock or the proposed member in a nonstock corporation, as the case may be. If, in the judgement of the commission the acquisition or transfer of stock or membership in a corporation holding an operator's license would be detrimental to the public interest, to the honesty and integrity of racing, or to the reputation of racing, the application shall be denied. If the application is not denied within sixty (60) days, it shall be deemed approved. It shall be the policy of each commission to favor the widespread ownership of stock in operators by residents of the state.

Section 23. Permits Required for Certain Individuals and Companies. No person, firm, corporation or partnership shall participate in any horse racing subject to the jurisdiction of a commission or in the conduct of any racing event or pari-mutuel wagering thereon, whether as a horse owner, trainer, jockey, exercise boy, groom, stable foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, or track employee, or enter the track enclosure in any capacity other than as a spectator, unless such person or the firm, corporation or partnership employing such person possesses a permit therefor from the appropriate commission and complies with the provisions of this Act and all reasonable rules and regulations of such commission. No permit issued under this section shall be transferable.

The provisions of this section which require a concessionaire to obtain a permit from the appropriate commission in order to operate a business selling food, beverages, souvenirs or other merchandise to persons attending racing events shall not be construed to permit any commission to charge a concessionaire any license or permit fees measured by its gross revenues or to derive any economic benefit from the operations of such concessionaires other than the permit fees authorized by Section 24 of this Act, it being expressly provided that the owner and the operators for each racing facility shall have the exclusive rights (as they may by contract allocate such rights among themselves) to determine the business conditions under which concessionaires shall operate at racing facilities under the jurisdiction of any commission and to retain all moneys (except for the commission's permit fee as aforesaid) which any concessionaire is willing to pay for the privilege of conducting business at such racing facilities.

Section 24. Application for Permit. Any person, firm, corporation or partnership desiring to obtain a permit as required by this Act shall make application therefor on a form prescribed by the appropriate commission. Each individual applicant and each principal of any firm, chief executive officer of any corporation and managing partner of any partnership applying for a permit for such firm, corporation or partnership, as the case may be, shall be photographed and fingerprinted and shall supply such information as such commission may require. All information contained in, or submitted in support of, any application for a permit shall be confirmed by an affidavit of the person or persons making such application, whether such application shall be made on behalf of such person or persons or on behalf of a firm, corporation or partnership. Any application for a permit made by an individual who seeks to work at a racing facility under the jurisdiction of a commission and any application for a permit made by a firm, corporation or partnership that seeks to provide services or sell merchandise at such racing facility, as the case may be, shall include a statement as to whether such individual, or any owner, principal, officer, director or partner of such firm, corporation or partnership, or any employee of such firm, corporation or

partnership who will actually work at such racing facility, has even been indicted by a grand jury for any felony or other offense involving moral turpitude, has ever been convicted of a felony or other offense involving moral turpitude, has ever been the subject of injunctive or disciplinary action by any federal or state court or regulatory body charged with protecting the public against fraudulent or illegal conduct, or has even been made the subject, either singly or in conjunction with others, of an investigation by either a federal or state law-enforcement agency into activities that violate or allegedly violate federal or state laws against criminal conspiracy, racketeering, illegal gambling and other activities associated with organized crime. Any firm, corporation or partnership which has previously received an effective permit from a commission to provide services or sell merchandise at a racing facility shall, as a condition of maintaining such permit, file with such commission supplemental information (including the statement described in the preceding sentence) concerning any new or additional owners, principals, officers, directors or partners of such firm, corporation or partnership, as the case may be, or any new or additional employees thereof who will actually work at such racing facility. A commission shall be entitled to charge fees for permits according to such schedule as it shall adopt from time to time, and in addition to the fee that it may charge a firm, corporation or partnership having employees at a racing facility under its jurisdiction, it may charge a separate fee for each individual employee of such firm, corporation or partnership working at such racing facility; provided, however, that (i) the permit fee for any one firm, corporation or partnership shall not exceed \$1,000 in any period of one year and (ii) the permit fee for any individual shall not exceed \$50 in any period of one year, regardless of whether such individual is self-employed or is employed by a firm, corporation or partnership also paying a permit fee.

Section 25. Review of Applications for Permits. A commission shall promptly consider any application for a permit submitted to it and shall issue or deny such permit based on the information in the application and all other information before it, including any investigation it deems appropriate. If an application for a permit is approved, the commission approving such application shall issue a permit which shall contain such information as such commission deems appropriate. Such permit shall be valid for one year.

A commission shall deny any such application and refuse to issue a permit, which denial shall be final unless an appeal is taken under the provisions of this Act, if it finds that the issuance of such permit to the applicant therefor would not be in the interest of the applicant, the people of the sponsoring municipality or the horse racing industry in the sponsoring municipality, or that the applicant:

(1) has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for by the application;

(2) is or has been guilty of any corrupt or fraudulent practice or conduct in connection with any horse racing activity in the state or any other state;

(3) has failed to comply with the provisions of this Act or the reasonable rules and regulations of the commission;

(4) has had a permit to engage in an activity related to horse racing for just cause, suspended or revoked in any other state, and such denial, suspension or revocation is still in effect; or

(5) is unqualified to perform the duties required for the permit sought.

Section 26. Suspension or Revocation of Permit. A commission may suspend or revoke a permit issued under this Act or fine the holder of such permit not to exceed \$1,000, after hearing with fifteen (15) days' notice to such holder, in any case where it has reason to believe that any provisions of this Act, or any reasonable rule or regulation of the commission, has not been complied with or has been violated. The commission may revoke such permit, after such hearing, if it finds that facts not known by it at the time it considered the application for such permit indicate that such permit should not have been issued. Deliberations of a commission concerning the suspension or revocation of a permit may be conducted in executive session unless otherwise requested by the holder of such permit. If any permit is suspended or revoked, the commission shall state its reasons for so doing and shall enter the same in the permanent records of its proceedings. The suspension or revocation of a permit shall be final unless an appeal is taken in accordance with the provisions of this Act.

Section 27. License Required for Stewards; Appointment of Stewards for Race Meetings. Any person desiring to act as a steward for any race meeting conducted pursuant to this Act must obtain a license from the commission having jurisdiction over such race meeting. Each commission shall require each applicant for a steward's license to pass one or more examinations on matters relating to the duties of stewards. Such examinations shall be prepared and administered in accordance with rules and regulations to be adopted by each commission. Any commission may establish other requirements, in addition to successful completion of such examinations, which must be met by any applicant in order to obtain a steward's license, including, without limitation, payment of reasonable license fees. Any steward's license issued pursuant to this Act shall have a term not exceeding two years, provided that the term of any such license may be extended or renewed at the option of the appropriate commission.

Three licensed stewards shall be appointed to supervise each race meeting conducted pursuant to this Act. Two of such stewards shall be appointed by the commission governing such race meeting and one shall be appointed by the operator conducting such race meeting. Such stewards shall exercise such powers and perform such duties at each race meeting as may be prescribed by the rules and regulations of the governing commission.

Section 28. General Provisions Respecting Pari-mutuel Wagering. Pari-mutuel wagering conducted by an operator shall be conducted in accordance with the provisions of this section. An operator shall provide a place or places at the racetrack operated by it at which such operator shall conduct a pari-mutuel system of wagering by its patrons on the results of horse races held at such racetrack. Such place or places shall be provided with the electronic or mechanical equipment necessary to issue pari-mutuel tickets, as well as the electronic or mechanical equipment necessary to record the wagering, compute the odds, and determine the awards to winning bettors, all in an accurate and speedy manner. All such equipment shall be approved by the commission licensing such operator before being used, but such commission shall not require the installation of any particular make of such equipment.

Subject to the provisions of the next succeeding paragraph, an operator shall distribute to the winners of each pari-mutuel pool the total amount wagered with respect to that pool, less the following deductions to be re-

tained by such operator as in the case may be applicable:

(i) in the case of any pari-mutuel pool where the bettor is required to select one horse, there shall be deducted an amount equal to seventeen percent (17%) of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool;

(ii) in the case of any pari-mutuel pool where the bettor is required to select two horses, there shall be deducted an amount equal to twenty-one percent (21%) of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool; and

(iii) in the case of any pari-mutuel pool where the bettor is required to select three or more horses, there shall be deducted an amount equal to twenty-three (23%) percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool.

In addition to the amounts permitted by the preceding sentence to be deducted from all pari-mutuel pools and retained by an operator, such operator shall be permitted to retain all moneys represented by unclaimed, uncashed, or abandoned pari-mutuel tickets; provided, however, that no pari-mutuel ticket shall be deemed to be unclaimed, uncashed, or abandoned unless it shall not be presented for payment within six months from the date of the running of the race to which such pari-mutuel ticket pertains.

During any period in which an operator shall be required to pay the state wagering fee, such operator shall have the right to increase the deduction permitted by the next preceding paragraph by an amount up to one percent (1%) of the total amount wagered with respect to any pari-mutuel pool, any provisions of this act or any other law to the contrary notwithstanding. It is hereby expressly declared that this right is conferred upon each operator licensed by a commission for the purpose of enabling such operator to generate all or part of the money necessary to pay the state wagering fee, and any increase in the amount deducted by an operator from any pari-mutuel pools pursuant to the exercise of such rights shall not be made the basis of any increase in the state wagering fee, the commission wagering fee or any other taxes, fees or commissions payable by such operator. No increase in the amount deducted from any pari-mutuel pool shall be permitted pursuant to this paragraph until such time as an operator shall become liable for the state wagering fee, but thereafter, and for so long as such operator shall remain liable for the state wagering fee, the right conferred by this paragraph to increase the amount deducted may be exercised at any time and from time to time (including the right to institute an increase and thereafter discontinue and resume it any number of times), may be exercised with respect to all pari-mutuel pools or with respect to some and not to others, and may be exercised with respect to any pari-mutuel pool in any degree of increase, not exceeding in any case more than one percent (1%) of the total amount wagered with respect to that pool, all as such operator shall determine in the exercise of its sole discretion without direction or influence from the commission licensing such operator, any state racing commission or any other governmental body.

A commission shall adopt and maintain rules and regulations for each kind of pari-mutuel pool that may be operated by an operator licensed by such commission, and such rules and regulations shall be published by such commission in book or pamphlet form for general distribution to all interested persons. Under the pari-mutuel system of wagering hereby authorized, an operator shall be permitted to provide separate pools for bets to win, place, and show, as well as separate pools for more complex wagers involv-

ing such combinations of races and such combinations of the outcomes of races as shall be approved by the commission licensing such operator. Each pool (less the amount that the operator is permitted to retain pursuant to the provisions of this section) shall be distributed separately to the winners thereof in accordance with the rules and regulations of the governing commission for that kind of pari-mutuel pool. If there is no ticket bet on the winning horse or combination of horses for any pari-mutuel pool, the portion of the pool which would have been distributed to any winners thereof shall be distributed to the holders of tickets for such pool in accordance with the rules and regulations of the governing commission for that kind of pari-mutuel pool.

Section 29. State Wagering Fee. No license tax, fee or equivalent charge shall be levied by the State against horse racing or pari-mutuel wagering thereon licensed and regulated by a commission during a period beginning with the effective date of this Act and continuing until the end of the fifth (5th) calendar year next succeeding the calendar year in which racing events shall first be conducted under the jurisdiction of such commission. Beginning with the sixth (6th) calendar year next succeeding the calendar year in which racing events shall first be conducted under the jurisdiction of a commission, and continuing thereafter for so long as such commission shall continue in existence, each operator licensed by such commission shall pay to the department of revenue of the state (or such other department or agency of the state as may be provided by law) a state wagering fee in an amount equal to one percent (1%) of the handle of such operator. The state wagering fee shall be paid in installments referable to the calendar months during which racing events shall be conducted by an operator, and the installment referable to any calendar month shall be an amount equal to one percent (1%) of the handle of such operator for such calendar month and shall be paid to the department of revenue of the state (or such other department or agency of the state as may be provided by law) prior to the end of the next succeeding calendar month. The department of revenue of the state (or other collecting department or agency of the state) is hereby authorized to promulgate and enforce such rules and regulations, not inconsistent with the provisions of this Act, as shall be reasonably necessary for the determination and collection of the state wagering fee. The department of revenue of the state (or other collecting department or agency of the state) may require a bond with surety acceptable to it in an amount determined by it to be sufficient to cover the maximum liability for the state wagering fee that may at any time be incurred by an operator.

The Legislature hereby finds and determines that the state wagering fee authorized by this Act is the maximum license fee or equivalent tax or charge which can be levied by the State against horse racing or pari-mutuel wagering thereon without impairing the economic viability of horse racing and lessening its contribution to increased employment and tourism in the State. No state racing commission shall have the power to increase the state wagering fee above the limits provided in this Act, to impose the state wagering fee for any period not herein authorized, or to levy or impose any additional license fee or equivalent tax or charge against horse racing or pari-mutuel wagering thereon conducted under the provisions of this Act.

Section 30. Commission Wagering Fee. Each operator shall pay to the treasurer of the commission licensing such operator a commission wagering fee for each calendar year during which it conducts any racing events. The amount of the commission wagering fee for an operator for a given calendar year shall be equal to the sum of (i) two percent (2%) of the handle of such

operator for such calendar year to the extent that such handle does not exceed one hundred fifty million dollars (\$150,000,000) and (ii) four percent (4%) of the portion of the handle of such operator for such calendar year that exceeds one hundred fifty million dollars (\$150,000,000). Each operator shall make payment of its commission wagering fee for each calendar year to the treasurer of the licensing commission in monthly installments. For each calendar year, the monthly installment referable to any month (other than the month during which the final racing event for such calendar year shall be conducted) shall be equal to two percent (2%) of the handle for such month. The monthly installment referable to the month during which the final racing event for any such calendar year shall be conducted shall be equal to the sum of (i) two percent (2%) of the handle for such month and (ii) two percent (2%) of the portion of the aggregate handle for such calendar year in excess of \$150,000,000. The installment of the commission wagering fee referable to any calendar month shall be paid to the treasurer of the appropriate commission prior to the end of the next succeeding calendar month.

If at any time during a calendar year the aggregate handle of an operator for such calendar year exceeds \$150,000,000, then such operator shall, in order to assure the availability of moneys required to pay the final installment of its commission wagering fee for such calendar year, set aside and invest moneys in an amount equal to two percent (2%) of the portion of such aggregate handle in excess of \$150,000,000 in investments of the kind in which the funds of a commission are permitted by Section 9 hereof to be invested by its treasurer. Any such investments acquired by an operator shall be held by it in trust for the benefit of the commission licensing such operator in order to secure the payment of the commission wagering fee, but the operator shall be entitled to any interest earned from such investments until the due date of the final installment of the commission wagering fee for such calendar year.

The Legislature hereby finds and determines that the commission wagering fee authorized by this Act is the maximum license fee or equivalent tax or charge which can be levied by a commission or by any political subdivision of the state against horse racing or pari-mutuel wagering thereon without impairing the economic viability of horse racing and lessening its contribution to increased employment and tourism in the state. No commission shall have the power to increase the commission wagering fee above the limits provided in this Act or to levy or impose any additional license fee or equivalent tax or charge against horse racing or pari-mutuel wagering thereon conducted under the provisions of this Act.

Any provision of this Act or any other law to the contrary notwithstanding, a commission may, at the time of the issuance of an owner's or operator's license or at any time thereafter, enter into a contract with the owner or operator to which such license may be issued for the purpose of establishing limits on the amount of the taxes, fees and commissions that may be levied or charged by the state, any political subdivision thereof or any other governmental body for the granting, use or continuation of an operator's license with respect to a particular racetrack during the term or duration of such license, which limits may not provide for license fees less than the license fees established at the time of such contract by this Act or any other then effective law amending or supplementing this Act. The provisions of any such contract between a commission and an owner or operator shall be deemed to be a part of the terms and conditions of the license in connection with which such contract is made. Without in any way limiting the nature of the consideration that may be given by an owner or opera-

tor to make such contract binding, the obligations (including any future obligations) of any operator to pay the state wagering fee and the commission wagering fee, together with the other economic benefits to be derived by the state and by such commission and its sponsoring municipality from the conduct of horse racing and pari-mutuel wagering thereon, shall be deemed sufficient consideration to make such contract binding upon such commission and any state racing commission. Any such contract between a commission and an owner or operator shall be binding upon such commission and any state racing commission at any time exercising jurisdiction over such commission or such owner or operator and shall not be impaired by any subsequent action of such commission or by any act of the Legislature which attempts to increase the fee for an operator's license covered by such contract or to impose any tax or additional license fees in excess of the limits established by such contract.

Section 31. Purses. From the moneys deposited in pari-mutuel pools which are not distributed to the holders of winning tickets, each operator shall apply an amount equal to seven percent (7%) of its total handle to provide purse moneys for races conducted by such operator. Prior to the commencement of any race meeting, the operator conducting such meeting shall estimate the amount of its handle to be derived from such meeting. Based upon such estimate, the operator shall adopt a schedule providing for a reasonable allocation of purse moneys over the period of the anticipated race meeting. Any such schedule may be amended from time to time during the course of a race meeting if it becomes apparent that the operator's actual handle for such race meeting will not match its original estimate.

Each operator shall provide the commission licensing such operator with periodic reports respecting the amounts applied by such operator to provide purse moneys. If at the close of any race meeting it is determined that the operator conducting such meeting failed to apply an amount equal to seven percent (7%) of its handle for such meeting to provide purse moneys, then any excess shall be deducted from, and any deficiency shall be added to, the amount which such operator is required to provide as purse moneys for its next succeeding race meeting.

Section 32. Television or Radio Transmission of Racing Events. Each commission shall have the power to adopt rules and regulations specifying the conditions under which television or radio coverage of racing events held at racetracks located outside the state may be transmitted for public viewing to facilities within the sponsoring municipality which are under the jurisdiction of such commission and there made the object of pari-mutuel wagering. Subject to such exceptions as a commission may approve by rule or regulation in order to satisfy applicable requirements of federal law, all pari-mutuel wagering with respect to such racing events that are subject to television or radio coverage shall be subject to the rules governing pari-mutuel wagering on racing events conducted at racetracks under the jurisdiction of such commission, including the provisions of Section 28, 29 and 30 hereof.

Each commission shall also have the power to adopt rules and regulations specifying the conditions under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be either (i) transmitted on a live or delayed basis by a commercial television or radio station or network for the entertainment of the public or (ii) transmitted to specific locations in other states for the purpose of pari-mutuel wagering at such locations.

Section 33. Admission Fee. The governing body of a sponsoring municipality may by ordinance impose a fee on an operator licensed hereunder to conduct a race meeting of \$.25 on the admission of each person on each day of such meeting, except those persons holding valid permits under this Act and actually employed at such track in the capacities for which such permits were issued. The operator may collect such amount from the ticket purchaser in addition to the amount charged for the ticket of admission.

Section 34. Breeding Fund. Each commission shall establish a special fund to promote the breeding, raising and racing of thoroughbred and standardbred horses in the state, which shall be known as "The _____ (name of the sponsoring municipality) Racing Commission Breeding and Development Fund." Each operator shall pay to its licensing commission a breeding fund fee for each month during which it conducts any racing events. For each operator, the breeding fund fee for any month shall be an amount equal to one-half of one percent ($\frac{1}{2}\%$) [or, in the case of any such fee referable to any month during the period of three years immediately following such operator's receipt of an operator's license, one-fourth of one percent ($\frac{1}{4}\%$)] of the handle for such operator for such month. The breeding fund fee payable by an operator for a given month shall be paid to the treasurer of the commission governing such operator before the end of the succeeding month. All breeding fund fees received by a commission shall be deposited into its breeding fund.

Twenty percent (20%) of the aggregate amount of breeding fund fees received by each commission in each calendar year shall be set aside for distribution to the schools of veterinary medicine at Auburn University and Tuskegee Institute. Each commission shall distribute the moneys so set aside on such schedule as shall be administratively reasonable and convenient, but in any event all such moneys referable to the breeding fund fees received in any calendar year shall be distributed not later than sixty (60) days after the end of such calendar year. Each commission shall divide the twenty percent of the breeding fund fees required to be set aside for the schools of veterinary medicine at Auburn University and Tuskegee Institute between such schools in an equitable manner, taking into account the number of students served by each school, the nature and quality of equine research conducted at each such school and such other factors as such commission shall deem relevant in the circumstances; provided, however, that neither of such schools of veterinary medicine shall receive less than twenty-five percent (25%) of the total amount required to be set aside by the provisions of this paragraph in any calendar year. All moneys distributed to the schools of veterinary medicine at Auburn University or Tuskegee Institute pursuant to this paragraph shall be used exclusively for supportive research on the health and diseases of the horse.

Each commission shall adopt rules and regulations governing the maintenance and administration of its breeding fund and the disbursement of the moneys deposited therein, provided that such moneys may be used only for the purposes specified in the next preceding paragraph of this section and for the following additional purposes:

(1) to provide awards to breeders and owners of Alabama-bred thoroughbred or standardbred horses finishing first, second, third or fourth in pari-mutuel races run in the state;

(2) to provide awards to stallion owners whose Alabama stallions have sired Alabama-bred thoroughbred or standardbred horses finishing first, second, third or fourth in pari-mutuel races run in the state;

(3) to provide purse moneys for races conducted exclusively for Alabama-bred thoroughbred or standardbred horses under conditions which have been approved by such commission;

(4) to advance and promote the breeding and raising of thoroughbred and standardbred horses in the state by the publication and dissemination of information relating thereto;

(5) to promote equine research through grants to universities within the state; and

(6) to provide for the administration and management of such breeding fund.

Section 35. No Taxes in Addition to Fees. The state wagering fee, the commission wagering fee and any other fees imposed by this Act on pari-mutuel wagering shall be in lieu of all license and excise taxes imposed on horse racing and pari-mutuel wagering thereon by the state or any county, municipality or other political subdivision thereof; provided, however, that this section shall not be construed to confer any exemption with respect to any uniform taxes levied generally on property, income or business activity, including, without limitation (i) income taxes levied by the state, (ii) occupational taxes levied on wages by a sponsoring municipality or host county, (iii) ad valorem taxes levied on any racing facility at the same rates as are applicable to other commercial property having comparable market value, and (iv) state and local sales taxes on merchandise sold by operators or their concessionaires at racing events.

Section 36. Application of Net Revenues. All commission wagering fees and other fees, commissions and moneys, including fines and forfeitures, to which a commission shall be entitled under the provisions of this Act shall be paid to the treasurer of such commission and shall be deposited by said treasurer to the account of such commission. All such moneys remaining after (i) the payment of all expenses incurred in the administration of this Act, including, without limitation thereto, the payment of the salaries and expenses of the members and employees of such commission and (ii) the deposit into the breeding fund of all amounts required by Section 34 hereof to be deposited therein shall be allocated and paid not less frequently than once each calendar year as follows:

(1) eighteen percent (18%) of the net revenues shall be allocated to the sponsoring municipality, subject to the condition that five percent (5%) of the amount so allocated shall be contributed to the general employees' pension fund of the sponsoring municipality for the purpose of providing cost-of-living increases in pension benefits;

(2) ten percent (10%) of the net revenues shall be allocated in total to the county or counties in which the sponsoring municipality or any part thereof shall be located, subject to the conditions that

(i) if the sponsoring municipality is located in more than one county, the portion of the said ten percent of net revenues allocated to each such county shall be determined in proportion to the population of the sponsoring municipality residing in such county as determined by the most recent federal decennial census,

(ii) one-half of the amount of net revenues allocated to any county shall be used for county-wide purposes (including both incorporated and unincorporated areas) in such manner as shall be determined by the governing body of such county, and

(iii) one-half of the amount of net revenues allocated to any county shall be used to defray the cost of governmental operations conducted in the unincorporated parts of such county or shall otherwise be used for the exclusive benefit of the unincorporated parts of such county in such manner as shall be determined by the governing body thereof;

(3) if the Board of Trustees of the University of Alabama operates a college, graduate school, extension center or other educational facility located in any county in which the sponsoring municipality or any part thereof shall be located, nine percent (9%) of the net revenues shall be allocated to the Board of Trustees of the University of Alabama, subject to the conditions that

(i) such amount shall be used exclusively in the county or counties in which the sponsoring municipality or any part thereof shall be located,

(ii) one-twelfth (1/12) of the amount of net revenues allocated to the Board of Trustees of the University of Alabama shall be used for the support of any programs operated for the correction or treatment of learning disorders of any kind or research into the causes of such disorders, and if no such programs are operated by the Board of Trustees of the University of Alabama in the county or counties in which the sponsoring municipality or any part thereof shall be located, such portion of the net revenues shall be used in such county or counties for such other purposes or programs as may be determined by said Board of Trustees, and

(iii) one-twelfth (1/12) of the amount of net revenues allocated to the Board of Trustees of the University of Alabama shall be used for the support of any programs or laboratories operated for research in virology, and if no such program or laboratories are operated by the Board of Trustees of the University of Alabama in the county or counties in which the sponsoring municipality or any part thereof shall be located, such portion of the net revenues shall be used in such county or counties for such other purposes or programs as may be determined by said Board of Trustees;

(4) three percent (3%) of the net revenues shall be allocated in total to public junior colleges [other than any public junior colleges described in paragraph (5) of this section] located in the county or counties in which the sponsoring municipality or any part thereof shall be located; and if there shall be more than one of such public junior colleges, the said three percent of the net revenues shall be apportioned equally among such junior colleges;

(5) two percent (2%) of the net revenues shall be allocated in total to public junior colleges which are located in the county or counties in which the sponsoring municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities; and if there shall be more than one of such public junior colleges, the said two percent of the net revenues shall be apportioned equally among such colleges;

(6) two percent (2%) of the net revenues shall be allocated in total to public technical colleges located in the county or counties in which the sponsoring municipality or any part thereof shall be located; and if there shall be more than one of such public technical colleges, the said two percent of the net revenues shall be apportioned equally among such colleges;

(7) two percent (2%) of the net revenues shall be allocated to any public corporation or authority which provides public transportation in an area including the sponsoring municipality;

(8) twenty percent (20%) of the net revenues shall be allocated in total to all county, municipal, district or other public school systems operating primary and/or secondary schools in any county or counties in which the sponsoring municipality shall be located; and if there shall be more than one of such school systems, the said twenty percent of the net revenues shall be allocated to such school systems in proportion to their average daily attendance during the most recently completed school year;

(9) if any incorporated municipalities other than the sponsoring municipality are located in the county or counties in which the sponsoring municipality or any part thereof shall be located, six percent (6%) of the net revenues shall be allocated in total to such other municipalities; and if there shall be more than one of such municipalities, the said six percent of the net revenues shall be allocated to such municipalities in proportion to their population as determined by the most recent federal decennial census;

(10) two and one-half percent (2½%) of the net revenues shall be allocated in total (i) to any public fire districts or volunteer fire departments organized and operating in unincorporated parts of the county or counties in which the sponsoring municipality or any part thereof shall be located and (ii) any municipal fire departments operated by municipalities that are located in the county or counties in which the sponsoring municipality or any part thereof shall be located and that have populations of one thousand (1,000) persons or less according to the most recent federal decennial census; and if there shall be more than one of such public fire districts, volunteer fire departments or municipal fire departments, the said two and one-half percent of the net revenues shall be allocated equally among such public fire districts, volunteer fire departments and municipal fire departments, with each thereof to receive an equal share, regardless of the number of participating firemen, the extent of the territory or number of buildings protected, or any other measure of the relative sizes of such public fire districts, volunteer fire departments and municipal fire departments; provided, however, that if any commission shall be created pursuant to this Act for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, the two and one-half percent of the net revenues referred to in this paragraph (10) shall be allocated to one or more public fire districts, volunteer fire departments and municipal fire departments in Jefferson County on such basis and in such manner as shall be determined by a public agency or authority to be created pursuant to law enacted at the session of the Legislature at which this Act is enacted or any subsequent session of the Legislature;

(11) two percent (2%) of the net revenues shall be allocated in total to any hospitals which are owned by any county, municipality or public corporation or authority and which are located in the county or counties in which the sponsoring municipality shall be located; and if there shall be more than one of such hospitals, the said two percent of the net revenues shall be allocated to such hospitals in proportion to their average patient census during the most recently completed annual period selected by the commission for the purpose of making such allocation;

(12) one-half of one percent (½%) of the net revenues shall be allocated in total to any public authority or corporation at any time created by law to alleviate or solve, or to assist in the alleviation or solution of, flooding problems caused by creeks in the sponsoring municipality and host county as the result of heavy rainfall; and if no such authority or corporation shall be in existence at the time of any allocation required to be made pursuant to this paragraph (12), such allocation shall be made to the sponsoring mu-

municipality for use in alleviating or solving such flooding problems, provided that the sponsoring municipality may use such allocation for other purposes if its governing body shall determine that no such flooding problems occur in the sponsoring municipality;

(13) one percent (1%) of the net revenues shall be allocated to the Tannehill Furnace and Foundry Commission established pursuant to Code of Alabama 1975, §§ 41-9-320 through 41-9-330, inclusive;

(14) one-half of one percent ($\frac{1}{2}\%$) of the net revenues shall be allocated in total to the civil defense department at the time and from time to time maintained and administered by the sponsoring municipality;

(15) one percent (1%) of the net revenues shall be allocated to the Alabama State Fair Authority established pursuant to Act No. 215 enacted at the 1947 Regular Session of the Legislature of Alabama; and

(16) if and to the extent that the allocations of net revenues described in this paragraph can be lawfully made to recipients satisfying the applicable conditions as herein set forth, the commission shall allocate and disburse the following percentages of the net revenues for the following purposes:

(i) three percent (3%) of the net revenues shall be allocated in total to private, not-for-profit colleges which are located outside the corporate limits of the sponsoring municipality in any incorporated or unincorporated part of any county in which the sponsoring municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;

(ii) three percent (3%) of the net revenues shall be allocated in total to private, not-for-profit law schools which are located outside the corporate limits of the sponsoring municipality in any incorporated or unincorporated part of any county in which the sponsoring municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities, it being expressly provided that the receipt by a college of any amount pursuant to the provisions of subparagraph (i) of this paragraph (16) shall not disqualify any law school affiliated with such college from receiving any amount for which such law school would otherwise qualify pursuant to the provisions of this subparagraph;

(iii) one-half of one percent ($\frac{1}{2}\%$) of the net revenues shall be allocated in total to private, not-for-profit colleges which are located in the sponsoring municipality and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;

(iv) one percent (1%) of the net revenues shall be allocated in total to not-for-profit organizations, whether public or private, which operate in any county in which the sponsoring municipality or any part thereof shall be located and which promote, undertake or otherwise assist the career orientation, training and employment of persons belonging to economically disadvantaged minorities;

(v) one percent (1%) of the net revenues shall be allocated in total to not-for-profit organizations, whether public or private, that are located in the sponsoring municipality and that promote economic development in the surrounding municipality and the surrounding metropolitan area;

(vi) five percent (5%) of the net revenues shall be allocated in total to private charitable hospitals located in the sponsoring municipality that pri-

marily provide care for children;

(vii) one percent (1%) of the net revenues shall be allocated in total to not-for-profit organizations, whether public or private, which are located in any county in which the sponsoring municipality or any part thereof shall be located and which sponsor, promote or conduct research and education related to the cure or control of sickle cell anemia or provide treatment or other aid for victims of that disease;

(viii) subject to the provisions of subparagraph (ix) of this paragraph (16), one and one-half percent (1½%) of the net revenues shall be allocated in total to not-for-profit organizations (including any particular branch thereof) which are located in the sponsoring municipality (including, without limitation thereto, organizations such as the Young Men's Christian Association and the Young Women's Christian Association) and which provide education and recreational activities for young persons predominantly belonging to economically disadvantaged minorities;

(ix) the provisions of subparagraph (viii) of this paragraph (16) to the contrary notwithstanding, if any commission shall be created pursuant to this Act for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, one-half of one percent (½%) of the net revenues of such commission shall be deducted from the amount to be allocated pursuant to the said subparagraph (viii) and shall instead be allocated to Partners in Neighborhood Growth for use in providing recreational or educational activities for young persons;

(x) one and one-half percent (1½%) of the net revenues shall be allocated in total to not-for-profit organizations (including particularly any research development and scholastic assistance fund), whether public or private, which are located in any county in which the sponsoring municipality or any part thereof shall be located and which promote and encourage scientific or technical education at the secondary and college levels by any means, including (without limitation thereto) financial assistance to schools and students, the development of improved curricula, and the training of teachers; provided, however, that if any commission shall be created pursuant to this Act for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, the one and one-half percent of the net revenues of such commission referred to in this subparagraph (x) shall be allocated in its entirety to the Research, Development and Scholastic Assistance Fund for Science and Technology, Inc., a private, not-for-profit corporation organized under the laws of Alabama;

(xi) one percent (1%) of the net revenues shall be allocated to the local chapter or affiliate of The National Urban League that is based in the sponsoring municipality;

(xii) one percent (1%) of the net revenues shall be allocated to the local chapter or affiliate of the United Cerebral Palsy Association, Inc. that is based in the sponsoring municipality;

(xiii) one-half of one percent (½%) of the net revenues shall be allocated in total to private, not-for-profit organizations which are located in the sponsoring municipality and which sponsor and promote ballet and similar forms of the art of dance by any means, including the training of dancers and the giving of performances; and

(xiv) one-half of one percent (½%) of the net revenues shall be allocated in total to not-for-profit organizations which are located in the sponsoring municipality and which assist and coordinate the activities of artists

or groups of artists which perform or display their works within the sponsoring municipality.

Except as may herein be specifically provided otherwise, if there shall at any time exist more than one institution or organization which qualifies for a portion of any generic allocation of net revenues made pursuant to any of subparagraphs (i) through (xiv), inclusive, of paragraph (16) of this section, then, and in such case, a commission shall apportion such allocation among all institutions or organizations which evidence to such commission (in such manner as it shall reasonably require) their respective qualifications to receive a portion of such allocation. Any such allocation shall be apportioned among the qualifying institutions and organizations of each generic category in an equitable manner to be determined by the commission, taking into account the relative scale of activities of each qualifying institution or organization, the number of persons served thereby or other relevant factors. A commission shall have reasonable discretion in determining whether, in the light of the legislative intent, a particular institution or organization shall be entitled to an allocation of any portion of the net revenues pursuant to the provisions of this section.

A commission and the individual members thereof shall be fully protected against any charge of malfeasance in relying upon an opinion of the Attorney General of the State of Alabama that a portion of the net revenues may be lawfully allocated and paid to any institution or organization pursuant to any of the provisions of paragraph (16) of this section, unless a court of competent jurisdiction shall declare invalid the allocation of net revenues to any such institution or organization.

If any allocation of any portion of the net revenues pursuant to any provision of this section cannot be made for any reason (including, without limitation thereto, the legal invalidity of the provisions of this Act authorizing such allocation, lack of lawful authority by a commission to make such allocation, the nonexistence of any public body or any public or private institution or organization entitled to receive such allocation, or any other failure to satisfy the conditions of such allocation), then, and in such case, the failure of such allocation shall not impair the validity or effectiveness of any part of this Act other than the provisions hereof specifically providing for such allocation, nor shall the failure of such allocation adversely affect any other allocation of net revenues under this Act. Any portion of the net revenues that, for any reason, cannot be allocated in accordance with the specific provisions of paragraphs (1) through (16) of this section shall be apportioned among those governmental bodies, institutions and organizations actually receiving lawful allocations hereunder in proportion to the respective amounts of net revenues which would have been allocated to such governmental bodies, institutions and organizations if there had been no need to reallocate any net revenues that could not be allocated in accordance with the specific provisions of said paragraphs (1) through (16).

It is hereby expressly declared that the primary purpose of this Act is to provide a means for permitting and regulating horse racing and pari-mutuel wagering thereon in Class 1 municipalities and, further, that it is not a primary purpose of this Act to provide funds for the various governmental bodies and public or private institutions and organizations to which allocations of portions of the net revenues of each commission are made pursuant to this section. The Legislature recognizes that one or more of such governmental bodies, institutions or organizations may not exist in the sponsoring municipality or in the surrounding county or counties, as the case may be, and that, even if the intended recipients do exist and satisfy the applicable

conditions, any one or more of such allocations of the net revenues may fail because of legal invalidity or other reasons. The allocations of net revenues made pursuant to this section represent the legislative effort to confer an incidental benefit upon a wide spectrum of governmental and charitable activities, all of which may not be present in the same degree in every Class 1 municipality subject to this Act. Therefore, the legal invalidity or other failure of one or more allocations of net revenues made pursuant to this section should not impair the general validity of this Act or prevent the provisions hereof, other than those relating to the invalid or ineffective allocations, from being implemented as a coherent whole. If and to the extent that any allocation of net revenues made to any governmental body or any institution or organization is of such character as to cause this Act to be a local act, it is the legislative intent that the provisions for such allocation be severed from this Act and thereby prevented from causing this Act to be a local act.

Section 37. Conducting Race Without License and Wagering Thereon Prohibited. Any person who directly or indirectly holds any horse race without having procured a license as prescribed in this Act, shall be guilty of a misdemeanor. Any person wagering upon the results of such a race, except in the case of pari-mutuel wagering conducted by an operator in accordance with the provisions of this Act, shall be guilty of a misdemeanor. Upon conviction of any of the above misdemeanors in a court of competent jurisdiction, the penalty shall be a fine of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), or imprisonment of not less than five days nor more than six months, or both, such fine and imprisonment to be in the discretion of the court.

Section 38. Disqualification Due to Gambling Activities. No person who engages in the practice of professional gambling on horse races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practice, shall be eligible as an applicant for any license or permit to own or operate a racetrack or conduct racing activities under the provisions of this Act, or to be connected therewith in any capacity, and any corporation, partnership or other entity which has an officer, director, stockholder, partner or executive or who employs any person who engages in such practices shall likewise be ineligible as a licensee, and each commission is hereby empowered to inquire into such matters in entertaining any such application and otherwise in administering this Act.

Section 39. Tampering with Horses Prohibited. No person shall influence or have any understanding or connivance with any owner, trainer, jockey, driver, groom or other person associated or interested in any stable, horse or race in which any horse participates, to prearrange or predetermine the results of any such race, nor shall any person stimulate or depress a horse, for the purpose of affecting the results of a race by use of any electrical device or any electrical equipment or by any mechanical or other device not generally accepted as regulation racing equipment, nor shall any person stimulate or depress a horse through the administration of any drug or chemical, or knowingly enter any horse in any race within a period of twenty-four hours after any drug or chemical has been administered to such horse, for the purpose of increasing or retarding the speed of such horse.

No person shall, except for medical purposes, administer any poison, drug, medicine or other substance to any horse entered or about to be entered in any race, or expose such substance to a horse with the intent that it be taken, or cause any foreign substance to be taken by or placed upon or in the body of such horse, with intent to impede or increase its speed, endur-

ance, health or physical or mental condition.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than ten years, or fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both, in the discretion of the court.

Section 40. Transmission of Racing Information Prohibited. With the exception of television or radio coverage of races authorized in accordance with Section 32 of this Act, it shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or other information relating to any horse race from any racetrack in any sponsoring municipality between the period of time beginning one hour prior to the first race of the day and ending thirty (30) minutes after the posting of the official results of each race, as to that particular race, except this period may be reduced to permit the transmitting of the result of the last race each day not sooner than fifteen (15) minutes after the official posting of such results; provided, however, that each commission may by rule permit the immediate transmission by radio, television (other than television or radio coverage pursuant to Section 32 hereof), or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person or relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio or any other means when the information is knowingly used or intended to be used for illegal gambling purposes or in furtherance of such gambling purposes.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction, shall be imprisoned for not less than one year nor more than ten years, or fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both, in the discretion of the court.

Section 41. Possession of Certain Drugs Prohibited. The possession or transportation of any drug or chemical except those permitted by regulations of the appropriate commission within the racing enclosure is prohibited except upon a bona fide veterinarian's prescription with complete statement of uses and purposes on the container. A copy of such prescription shall be filed with the stewards.

Section 42. Misuse of License. Any credential, license or permit issued by a commission, if used by the holder thereof for a purpose other than identification and in the performance of legitimate duties on a racetrack, shall be automatically revoked whether so used on or off a racetrack.

Section 43. Racing under Unregistered Name Prohibited. No person shall knowingly enter or race any horse in any running or harness race under any name or designation other than the name or designation assigned to such horse by and registered with the Jockey Club, the United States Harness Association or other applicable association or knowingly instigate, engage in or in any way further any act by which any horse is entered or raced in any running or harness race under any name or designation other than the name or designation duly assigned by and registered with the Jockey Club, the United States Harness Association or other applicable association.

Section 44. Wagering by Underage Persons Prohibited. No person

shall wager on or conduct any wagering on the outcome of a horse race pursuant to the provisions of this Act unless such person be twenty-one years of age or older. No person shall accept any wager from a person under the age of twenty-one years.

Section 45. Exemption from Jurisdiction of State Racing Commission. In the event that a state racing commission shall be created, organized or established at any time, whether before or after the effective date of this Act, each commission created hereunder and all owners and operators licensed thereby shall be exempt from the jurisdiction of such state racing commission and from the force and effect of all laws providing for or relating to such state racing commission for a period beginning with the effective date of this Act and continuing until the end of the fifth (5th) calendar year next succeeding the calendar year in which racing events shall first be conducted under the jurisdiction of such commission created hereunder. It is hereby expressly declared that no act enacted at the session of the Legislature during which this Act is enacted or at any subsequent session shall be construed to effect a repeal or negation of the exemption conferred by this section, whether by implication or otherwise, in the absence of a provision in such act expressly repealing the provisions of this section.

Section 46. Severability. The provisions of this Act are expressly declared to be severable. If any provision of this Act shall be adjudged to be invalid by any court of competent jurisdiction (including, without limitation thereto, any particular allocation of net revenues or other provision which, if not severed from this Act, would cause it to be a local act in violation of any constitutional limitation or condition applicable to local acts), such provision shall be severed from this Act in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this Act, and the operation of such judgment shall be limited to the provision thereof directly involved in the action in which such judgment shall have been rendered.

Section 47. Provisions of this Act Control. Insofar as the provisions of this Act may be inconsistent with the provisions of any other law concerning activities and actions authorized by this Act, the provisions of this Act shall control, it being specifically declared that any other provisions of existing law that prohibit or regulate horse racing, gambling or pari-mutuel wagering shall not be applicable to any activities or actions authorized by this Act.

Section 48. Section Captions. The section headings or captions contained in this Act are included for convenience only and should not be considered a part of this Act or affect in any manner the construction or interpretation of this Act.

Section 49. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 31; Nays 0.

Yeas:

Reps.: Boles, Box, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (W), Coleman, Davis, Escott, Faulk, Fuller, Grayson, Hall, Horn, McNair, Melton, Newman, Nicholson, Onderdonk, Perdue, Pratt,

Preuitt, Reed, Rogers, Seibels, Spratt, Turner, White (L) and Zoghby.

—31

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Turner would have voted "Yea" on the motion to table the substitute offered by Rep. Adams to the bill, H. 316, had he been in the Chamber at the time of voting.

H. 13 RESUMED

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 13, said committee amendment being as follows:

Amend the Substitute to House Bill 13 on line 8, page 55 by inserting the word "racetrack" immediately before the word "facilities".

Further amend the Substitute to House Bill 13 by adding the following new paragraph at the end of Section 32 after line 27, page 55:

"Nothing contained in this section or any other provision of this Act shall be construed to authorize or make lawful wagering or gambling of any kind at any location other than the pari-mutuel facilities located at race-track facilities licensed by a commission."

And the amendment was adopted.

Yeas 24; Nays 0.

Yeas:

Reps.: Blakeney, Box, Bryant, Buskey (James), Buskey (John), Clark (W) Davis, Escott, Faulk, Grayson, Hall, Horn, McDowell, McNair, Melton, Onderdonk, Perdue, Pratt, Preuitt, Reed, Rogers, Seibels, Spratt and Turner.

—24

PRESENCE TO QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Rogers offered the following amendment to the bill, H. 13 as amended:

Amendment to Substitute to House Bill 13, Section 5 (a), page 13, line 17 after the word "municipality" by changing the period to a semi-colon and adding the following:

provided that, in the case of any such appointment to be made by the mayor or other chief executive officer of the sponsoring municipality, if the

Lieutenant Governor then in office nominates two individuals for such appointment within ten days after the occurrence of the event which provides the mayor or other chief executive officer of the sponsoring municipality with the opportunity to make such appointment (regardless of whether such event is the certification to the Secretary of State of a favorable vote at a referendum called and held pursuant to Section 4 of this Act or the occurrence of a vacancy among the appointed members of a commission), then the mayor or other chief executive officer of the sponsoring municipality shall appoint as a member one of the two individuals so nominated by the Lieutenant Governor.

Further amend Substitute to House Bill 13, page 38, line 28, after the word "than" by striking twenty-five -(25)- and inserting in lieu thereof twenty (20)

Further amend the bill, page 51, beginning on line 8, by striking lines 8 through 20 in their entirety.

Further amend the bill, page 66, at the beginning of line 14 by striking charitable and inserting in lieu thereof not-for-profit

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 22; Nays 0.

Yeas:

Reps.: Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Grayson, Hall, Hooper, Horn, McDowell, McMillan, McNair, Melton, Onderdonk, Perdue, Pratt, Preuitt, Rogers, Seibels and Spratt.

—22

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SUBSTITUTE OFFERED

Rep. Payne offered the following substitute to the bill, H. 13 as amended:

A BILL TO BE ENTITLED AN ACT

To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in the City of Birmingham; to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in Birmingham; to provide for a referendum of the voters of the county on the question of whether this Act will become effective in the county; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in Birmingham; to provide for the designation or appointment and the terms of office of the members and officers of the commission; to provide for and authorize the incorporation of the commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of the commission, including the power to adopt rules and regulations governing diverse aspects of

horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by the commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by the commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by the racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by the racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of a license fee for pari-mutuel wagering by each licensed operator to the racing commission licensing such operator and to specify the method for determining the amount of any such fee; to provide that the racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent Act of the Legislature; to authorize the racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by the racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any the racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of the commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by the racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize the racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in the City of Birmingham.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby found and declared as follows: the conduct within the City of Birmingham in Jefferson County of horse racing events and pari-mutuel wagering thereon will generate additional revenues for governmental and charitable purposes, provide additional jobs for the residents of the state and benefit the businesses related to tourism and recreation within Birmingham and throughout the surrounding areas of the state; it is desirable to permit the qualified voters of Jefferson County to determine through referendum whether horse racing and pari-mutuel wagering thereon

will be permitted in the county; and it is necessary and desirable to provide for the establishment of a racing commission to regulate horse racing and pari-mutuel wagering thereon and to administer and enforce the provisions of this Act.

Section 2. (a) The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, unless the context clearly indicates otherwise, have the following respective meanings herein:

(1) **ALABAMA BRED.** When used with reference to a thoroughbred horse or a standardbred horse, means a horse which is registered in the registry designated and administered by a commission in accordance with such rules concerning domicile and registration requirements as may be established by the commission and which is either (i) foaled from a mare domiciled in the state during the seven-year period beginning with the effective date of this Act or (ii) sired by an Alabama stallion and foaled from a mare domiciled in the state at any time after the expiration of such seven-year period.

(2) **ALABAMA STALLION.** When used with reference to a thoroughbred stallion or a standardbred stallion, means a stallion which is standing in the state at the time he is bred to the dam of an Alabama-bred horse, which is registered with a commission, and which is alternatively (i) owned by a resident of the state and standing the entire stud season in the state, (ii) owned by a resident of another state but standing the entire stud season in the state and leased by a resident of the state for a term of not less than two years or (iii) owned jointly by a resident of the state together with a resident of another state and leased by a resident of the state for a term of not less than two years. For purposes of this definition, a resident of the state may be any one of the following: (1) a natural person whose principal residence is located in the state; (2) a natural person who does not maintain his or her principal residence in the state but who personally owns, singly or jointly with his or her spouse, real property located in the state that has an original cost to such person or a current fair market value of not less than \$100,000; or (3) a corporation or partnership which has its principal place of business in the state and more than 50 percent of the stock or other ownership interest in which is owned by natural persons described in Clause (1) or (2) of this sentence. The commission with which any Alabama stallion may be registered shall have the power to prescribe rules and regulations governing the manner by which the qualifications of a resident shall be confirmed to such commission for purposes of this definition.

(3) **BREAKAGE.** The odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents.

(4) **BREEDER.** The owner of a mare at the time such mare gives birth to an Alabama-bred thoroughbred or standardbred foal.

(5) **BREEDING FUND.** A special fund established by a commission pursuant to the provisions of Section 33 of this Act and any applicable rules and regulations of such commission for the purpose of promoting the breeding, raising and racing of thoroughbred or standardbred horses in the state.

(6) **BREEDING FUND FEE.** A fee payable to a commission by an operator pursuant to Section 33 of this Act for deposit into the breeding fund established by such commission.

(7) **COMMISSION.** Any public corporation organized pursuant to the provisions of this Act.

(8) **HANDLE.** When used with reference to any specified period of time, means the total amount deposited in all of the pari-mutuel pools originated by an operator during such period of time.

(9) **MEMBER.** A member of a commission.

(10) **NET REVENUES.** All fees (other than breeding fund fees), commissions and other moneys received by a commission and remaining after the payment of all expenses incurred in the administration of this Act.

(11) **OPERATOR.** A corporation licensed by a commission to conduct horse racing events and pari-mutuel wagering thereon in accordance with the provisions of this Act.

(12) **OWNER.** A corporation, partnership or other business entity licensed by a commission to own a racing facility in accordance with the provisions of this Act.

(13) **PERSON.** Whether or not appearing as a capitalized term, means any natural person, corporation, partnership, joint venture, trust, government or governmental body, political subdivision or other legal entity as in the context may be possible or appropriate.

(14) **STALLION OWNER.** The owner of a stallion standing in the state at the time he was bred to the dam of an Alabama-bred thoroughbred or standardbred horse.

(15) **STATE.** The state of Alabama.

(16) **WAGERING FEE.** A license fee payable to a commission by an operator for a particular calendar year, the amount of which is determined by reference to the amount of such operator's handle for such calendar year.

(17) **COUNTY.** Any reference to "county," "the county," "such county," or similar language shall refer only to Jefferson County.

(18) **CITY.** Any reference to "city," "the or such city," "municipality," "the said or such municipality" or similar language shall refer only to the City of Birmingham in Jefferson County.

(19) **COMMISSION.** The terms "commission," "the, said, such, or a commission," or any similar reference to commission unless otherwise specified shall refer to the Birmingham Racing Commission authorized by this Act.

(b) The terms "herein," "hereby," "hereunder," "hereof" and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used. The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein, any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 3. A commission is authorized to be created in accordance with the provisions of this Act for the City of Birmingham in Jefferson County and shall be named "The Birmingham Racing Commission" and shall be a public corporation having a legal existence separate and apart from the state and any county, municipality or political subdivision thereof, and shall be vested with the powers and duties specified in this Act and all other powers necessary and proper to enable it to execute fully and effectively the purposes of this Act. Immediately upon its incorporation, horse racing and pari-mutuel wagering thereon conducted in the city in accor-

dance with the provisions of this Act shall be lawful, notwithstanding any other provision of law to the contrary.

Notwithstanding any provisions hereof which connect the state with the creation and control of the commission, any commission incorporated pursuant to the provisions of this Act shall not be deemed to be part of the state for any purpose, but shall be treated as a public corporation and body politic separate and apart from the state. All fees, commissions, and other moneys which the commission shall be authorized by this Act to charge, levy or otherwise receive shall be deemed to be moneys belonging exclusively to such commission, and no allocation or payment of such moneys authorized or mandated by this Act shall be considered to be an appropriation of moneys belonging to or controlled by the state.

Notwithstanding any provisions hereof which connect a commission with the City of Birmingham or Jefferson County, any commission incorporated pursuant to the provisions of this Act shall not be deemed to be a local agency or instrumentality of the City of Birmingham or Jefferson County, but shall be treated as a public corporation and body politic having rights, powers and duties which, to the extent herein specified, shall be effective without reference to the rights, powers, duties and territories of the City of Birmingham or Jefferson County. All fees, commissions and other moneys which the commission shall be authorized by this Act to charge, levy or otherwise receive shall be deemed to be moneys belonging exclusively to such commission, and the City of Birmingham and Jefferson County shall have no interest therein except to the limited extent expressly provided by this Act.

Section 4. The Jefferson County Commission shall call and provide for holding a county-wide referendum for the purpose of determining if a commission shall be incorporated for the City of Birmingham pursuant to this Act. The initial referendum shall be held not less than 45 days nor more than 90 days after the effective date of this Act and shall be advertised, held, conducted and the results thereof canvassed and declared in the manner provided by law for advertising, holding, conducting and canvassing other county elections and as the county commission shall provide in the resolution calling such election. The question to be voted on shall be stated on the ballots or voting machine tags substantially as follows:

"Do you favor the authorization of horse racing and pari-mutuel wagering thereon in the City of Birmingham and the creation of a racing commission for said city to license, regulate and supervise horse racing and pari-mutuel wagering thereon as provided in Act No.____ (insert Act number) adopted at the 1984 Regular Session of the Legislature of Alabama?"

If a majority of the votes cast in said county-wide referendum are "Yes", this Act shall become operative and horse racing and pari-mutuel or mutuel wagering thereon shall be legal in the city as and to the extent conducted in accordance with the provisions of this Act; if the majority of the votes cast in such election are "No", this Act shall have no further effect. Once authorized and incorporated, a commission may not be dissolved except pursuant to a General Act of the Legislature of Alabama applicable to such commission. The results of the referendum conducted pursuant to this Act shall be certified to the Secretary of State, within 30 days after the election returns are canvassed, by the officer then authorized by law to certify the results of such election.

Section 5. (a) The commission shall have five members, which shall constitute its governing body. All powers of the commission shall be exer-

cised by its members or pursuant to their authorization. The mayor of Birmingham and the president of the Jefferson County Commission shall each serve as a member ex officio, and the service of each such official as a member shall begin and end concurrently with the beginning and ending of his or her tenure in such office. The other three members shall be appointed in the manner hereinafter prescribed as soon as may be practicable after the certification to the Secretary of State of a favorable vote at the referendum called and held pursuant to Section 4 of this Act. The city mayor, the Jefferson County house delegation and the Jefferson County senate delegation shall each appoint one member. The appointments of members by the Jefferson County house delegation and the Jefferson County senate delegation shall be made at meetings of the members of the delegations held pursuant to the call of the city mayor of Birmingham or other chief executive officer of the City of Birmingham, who shall provide the members of each delegation with written notice of any such meeting at least 10 days prior to the date set therefor. All meetings of the house delegation or the senate delegation called and held pursuant to this Act shall be open to the public. Any appointment of a member by the house delegation or the senate delegation must be approved by a majority of the members of each such delegation voting in person at a public meeting called and held pursuant to this Act. Any meeting of the house delegation or the senate delegation at which fewer than a majority of the members of each such delegation are present, or at which no appointment of a member is made because of a failure to obtain the approval of a majority of the members of such delegation, may be adjourned to a future time and place announced at such meeting; provided that, if either delegation fails to appoint a member within 30 days of the date of the first meeting called for the purpose of such appointment, the right of such delegation to appoint a member shall terminate and such appointment shall be made as soon thereafter as practicable by the city mayor.

(b) The member to be appointed by the mayor shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the first calendar year next following the calendar year in which the referendum authorizing the incorporation of the commission shall be conducted; the member to be appointed by the Jefferson County house delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the second calendar year next following the calendar year in which the referendum authorizing the incorporation of the commission shall be conducted; the member to be appointed by the Jefferson County senate delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the third calendar year next following the calendar year in which the referendum authorizing the incorporation of the commission shall be conducted. Thereafter, the term of office of each appointed member shall be two years, commencing at noon on the July 1 on which the term of the immediate predecessor member shall end.

(c) If at any time there shall be a vacancy among the appointed members of a commission (i.e., those members who do not serve ex officio), a successor member shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed member (other than those initially appointed), whether for a full two-year term or to complete an unexpired term, shall be made by the officer or legislative delegation responsible for the appointment of the member whose term shall have expired or is to expire or in whose position a vacancy otherwise exists and shall be made not earlier than 30 days prior to the date on which such

member is to take office as such. If the term of any member shall expire prior to the reappointment of such member or prior to the appointment of his successor, such member shall continue to serve until his successor is appointed. Members shall not be eligible for reappointment. In the event that any appointments are not made within 60 days after the certification to the Secretary of State of a favorable vote at a referendum called and held pursuant to this Act (in the case of initial appointments), or within 30 days of the end of a term or other vacancy, then a vacancy shall be filled or a successor member appointed by a majority of the members holding appointments already made or serving as ex officio members. Appointments shall be evidenced by a written certificate executed by the appointing official, or, in the case of appointments made by a majority of the other members, by a certificate signed by all members jointly making such appointment, or, in the case of appointments made by a legislative delegation, by all members of the delegation jointly voting for such appointment or by a member of the delegation designated to serve as the secretary of the meeting at which such appointment is made and to report the results thereof to the Secretary of State. The certificates evidencing the appointment of members of a commission shall be addressed and delivered to the Secretary of State, who shall maintain the originals of such certificates as official records in his office.

(d) Each appointed member of any commission shall have been a resident of Jefferson County for a period of at least five years prior to his or her appointment and shall, at the time of his or her appointment and at all times during his or her term of office, be a resident of Jefferson County and a qualified elector of the state, and a failure by any appointed member to remain so qualified during such term of office shall cause a vacancy of the office of such member. No person serving as a member of the Legislature of the state, serving as a member of the governing body of any municipality, county or other political subdivision of the state, or holding a full-time office or position of employment with the United States of America, the state, any county or municipality in the state, or any instrumentality, agency or subdivision of any of the foregoing, shall be eligible for appointment as a member of a commission. Service by any person as a member, director, trustee or other participant in the management or administration of any governmental agency, board or commission, or public educational institution, or other public body of the United States of America, the state, or any county or municipality or other political subdivision shall not render such person ineligible for appointment as a member of a commission unless such service constitutes full-time employment. Each appointed member shall be of good moral character and shall never have been indicted by a grand jury for, nor convicted of, any felony or other offense involving moral turpitude, shall never have been the subject of injunctive or disciplinary action by any federal or state court of regulatory body charged with protecting the public against fraudulent or illegal conduct, and shall never have been made the subject, either singly or in conjunction with others, of an investigation by either a federal or state law enforcement agency into activities that violate or allegedly violate federal or state laws against criminal conspiracy, racketeering, illegal gambling and other activities associated with organized crime. Each appointed member of a commission shall make and submit to the appointing officer or legislative delegation responsible for his or her appointment an affidavit confirming his or her qualifications, as set forth in the preceding provisions of this subsection (d), to serve as a member of a commission, which affidavit shall be filed with the Secretary of State along with the aforesaid certificate evidencing such appointment. Any appointed member of a commission who in such affidavit intentionally makes a false statement of material fact or intentionally fails to disclose any information

necessary to make any statement of material fact made therein not misleading shall be subject to prosecution and punishment therefor under the general laws of this state.

(e) Any person who is an appointed member of a commission shall be deemed to vacate his or her office as such member by (i) the acceptance of any office or employment which, had such person held such office or been so employed at the time of his or her appointment as a member, would have rendered such person ineligible for appointment as a member or (ii) the occurrence of any event or circumstance involving the character of such person [including, without limitation, any of the events or circumstances described in the fourth sentence of subsection (d) of this section] which, had such event or circumstance occurred prior to the time of his or her appointment as a member, would have precluded such appointment. Any appointed member may be impeached and removed from office as a member of a commission in the same manner and on the same grounds provided in Section 175 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the state for impeachment and removal of the public officers subject to said Section 175 or successor provision thereof. The city mayor and the president of the county commission of Jefferson County may not be impeached and removed from office as a member of the commission apart from their impeachment and removal from the respective offices by virtue of which, ex officio, they serve as members.

Section 6. The five persons initially designated as members of the commission shall become a corporation with the power and authority provided in this Act by proceeding according to the provisions of this Act. To become a corporation, the persons so designated shall present to the Secretary of State an application signed by them which shall contain the following:

- (1) A statement that the applicants propose to incorporate a commission pursuant to this Act;
- (2) The name and principal residence of each of the applicants;
- (3) The date on which each applicant who is not an ex officio member was appointed as a member and the expiration date of the term for which he was appointed;
- (4) The term of office for each applicant who is an ex officio member;
- (5) The name of the proposed corporation, which shall be "The Birmingham Racing Commission";
- (6) The location of the principal office of the proposed corporation, which shall be in the City of Birmingham; and
- (7) Any other matter relating to such commission which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the state.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state to take acknowledgements to deeds. The Secretary of State shall examine the application, and if the Secretary of State finds that it substantially complies with the requirements of this section, he shall receive, file and record it in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name stated

in the application, without the necessity of any further action under any other laws of the state applicable to the creation of corporations, and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the Great Seal of the State, and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation or dissolution of any commission.

Section 7. No member shall vote on or participate in the discussion or consideration of any matter coming before the commission in which he, his immediate family, or any business enterprise with which he is associated has any direct or indirect pecuniary interest; provided, however, that when any such matter is brought before the commission, any member having an interest therein which may be in conflict with his obligations as a member shall immediately make a complete disclosure to the commission of any direct or indirect pecuniary interest he may have in such matter prior to removing himself and withdrawing from the commission's deliberations and vote on the matter presented. In furtherance, and not in limitation of the foregoing provision, no member or employee of a commission, and no spouse, child, parent, brother or sister of any such member or employee (i) shall have any financial interest, direct or indirect, in any horse racetrack or operation incidental thereto which is subject to the provisions of this Act, or in any entity which has submitted an application for a license under this Act, or in the operation of any wagering authorized under this Act or (ii) shall participate as owner of a horse or otherwise as a contestant in any race subject to the jurisdiction of the commission or have any pecuniary interest in the purse or prize contested for in any such race. No appointed member or officer of the commission (e.g., any member or officer of the commission who does not serve as such by reason of his holding another office), no employee of a commission, and no spouse, child, parent, brother or sister of any such appointed member or officer or of any such employee, shall make, or cause to be made on his or her behalf, any contribution to any holder of any office of the state or any office of the city or county or any contribution to any candidate for any such office.

The city mayor and the president of the Jefferson County Commission shall perform the duties of members of the commission, ex officio, without any compensation other than that to which they are respectively entitled as such municipal or county officers. Appointed members of the commission shall be entitled to such compensation for their services as the commission shall from time to time provide by duly adopted resolution, provided that no appointed member of a commission shall receive more than \$100.00 for each day or part thereof spent in the performance of his duties. Each member, whether appointed or serving ex officio, shall be reimbursed for his or her reasonable expenses incurred in the performance of his or her duties as a member of a commission. The compensation and expenses of members shall be paid out of the funds of the commission in accordance with such rules as shall be from time to time adopted by the commission. A majority of the members of the commission shall constitute a quorum for the transaction of business by the commission, and, in the absence of a rule incorporated in the bylaws of the commission that, in certain circumstances, may require the favorable vote of a designated percentage of all the members of the commission, decisions shall be made on the basis of a majority of the quorum then present and voting, with each member to have a single vote. No vacancy in the membership of the commission or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum to exercise all of the powers and duties of the commission.

Section 8. The officers of the commission shall consist of a chairman, vice chairman, executive secretary, treasurer and such other officers as the commission shall deem necessary or appropriate. The chairman and vice chairman of a commission shall be elected by the commission from the membership thereof. The executive secretary shall be appointed as provided in Section 10 hereof.

Section 9. The treasurer of the commission shall collect all the fees, commissions and other moneys provided for in this Act, and shall supervise, check and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof. The principal financial officer of the City of Birmingham shall perform the duties of the treasurer of a commission, ex officio, without any compensation other than that to which he or she is entitled as the principal financial officer of the City of Birmingham, but he or she shall be reimbursed for expenses actually incurred in the performance of his or her duties as treasurer of a commission. All managerial, accounting and clerical personnel which said ex officio treasurer shall determine to be necessary to keep the books and records of the commission, and to perform the audit and other financial functions for the commission, shall be employees of the City of Birmingham and shall perform their duties under the supervision of such principal financial officer in his capacity as ex officio treasurer of such commission; provided, however, that the number, qualifications and compensation of personnel employed by the City of Birmingham to perform all financial functions for the commission shall be subject to the approval of such commission, as well as to such other laws and regulations as may be applicable to such personnel as employees of the City of Birmingham. The commission shall reimburse the City of Birmingham for all costs and expenses incurred in the performance of all financial functions for the commission, including a reasonable allowance for the time of the principal financial officer of the City of Birmingham devoted to the business of such commission as its ex officio treasurer.

The funds of the commission which its treasurer determines are not then needed to discharge its obligations or to make the disbursements provided for in Section 35 hereof may be vested in such of the following investments as its treasurer may determine to be most advantageous or convenient: (i) any time deposit with, or any certificate of deposit issued by, or any acceptance by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation; (ii) any direct, general obligation of the United States of America; (iii) any obligation payment of the principal of and interest on which is unconditionally guaranteed by the United States of America; (iv) any direct, general obligation of, or any obligation payment of the principal of and interest on which is unconditionally guaranteed by, any agency or instrumentality of the United States of America (including, without limitation, the Federal National Mortgage Association); and (v) any repurchase agreement or reverse repurchase agreement with any bank which is a member of the Federal Deposit Insurance Corporation (or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation) or with any government bond dealer reporting to and trading with the Federal Reserve Bank of New York, provided that such agreement is secured by obligations or securities described in Clauses (i), (ii), (iii) and (iv) of this sentence. Funds of the commission not invested in accordance with the preceding sentence shall be deposited in a bank the principal office of which

shall be located in the City of Birmingham and the deposits of which shall be insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation.

Section 10. The commission shall have the powers and duties necessary to license, regulate and supervise horse racing and pari-mutuel wagering incidental thereto, including, without limiting the generality of the foregoing, the powers and duties set forth hereinafter in this section or in other sections of this Act.

(1) The commission shall have succession in perpetuity, subject only to the provisions of this Act as it may be amended from time to time.

(2) The commission shall have the power to sue and be sued in its own name in civil suits and actions and to defend suits against it.

(3) The commission shall have the power to adopt and make use of an official seal and to alter the same at pleasure.

(4) The commission shall have the power to adopt, alter and repeal by-laws, regulations and rules, not inconsistent with the provisions of this Act, for the regulation and conduct of its affairs and business.

(5) The commission shall have the power (a) to borrow money from any source, including the City of Birmingham (which is hereby authorized to lend such money to the commission), for the purpose of paying expenses that may be reasonably incurred in carrying out its duties in advance of the receipt of fees, commissions and other moneys payable to it under the provisions of this Act, and (b) to pledge as security for the payment of the principal of and interest on the money so borrowed all or any of such fees, commissions and other moneys, which pledge shall be prior to any and all claims to such fees, commissions and other moneys from any intended recipients of the net revenues pursuant to Section 35 hereof; provided, however, that the commission shall not be entitled to borrow, or to allow to remain outstanding at any time, a principal amount in excess of (i) \$500,000 or (ii) the amount which the commission estimates will be its total operating expenses for the next three years, whichever of such amounts is the lesser.

(6) The commission shall establish and maintain a general business office within the City of Birmingham for the transaction of its business at a place to be determined by such commission; the commission shall meet at such times and places within the city as it shall determine.

(7) The commission shall be vested with supervision and authority over all horse races licensed by it under the provisions of this Act and over all persons conducting, participating in or attending such races. The commission shall employ such persons to be present at race meetings as are necessary to ensure that they are conducted with order and the highest degree of integrity, and it may require that an operator pay such salaries to such of the commission's employees as it shall prescribe. The commission may eject or exclude from any racetrack or from any part thereof any person, whether or not he possesses a permit, whose conduct or reputation is such that his presence may, in the opinion of the commission, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of horse racing.

(8) The commission and its representatives and employees shall visit, investigate and have free access to the office, track, facilities or other place of business of an operator, and may compel the production of any of an

operator's books, documents, records or memoranda for the purpose of satisfying itself that such operator is truthfully complying with the provisions of this Act and the commission's rules and regulations. The commission shall require that there be delivered to it an annual balance sheet and operating statement of each operator subject to its jurisdiction and also a copy of any management, concession or other contract to which any such operator is a party.

(9) The commission shall adopt and publish reasonable rules, regulations and conditions under which all types of racing subject to its jurisdiction, and pari-mutuel wagering, shall be conducted in the City of Birmingham, and such other reasonable regulations as it deems necessary and appropriate to carry out the purpose and provisions of this Act. Such rules and regulations may include reasonable sanctions for violations which shall be in the nature of civil sanctions and not criminal penalties.

(10) The commission may issue subpoenas for the attendance of witnesses before it, administer oaths and compel production of records or other documents and testimony of such witnesses whenever such commission finds it necessary and appropriate so to do in order to carry out its duties under this Act or to enforce the provisions of this Act or rules or regulations adopted pursuant hereto.

(11) The commission shall have the power to compel an owner or operator to file with such commission such information, including, without limitation, financial statements and information relative to stockholders and all others with any pecuniary interest in such licensee as shall appear to such commission to be necessary for the performance of its duties hereunder, and may prescribe the manner in which books and records of an owner or operator shall be kept.

(12) The commission shall have the power to enter into arrangements with any governmental or nongovernmental agency or association for the purposes of exchanging information, establishing security forces or performing any other act better to ensure the proper conduct of horse racing.

(13) The commission shall have the power to demand and obtain for its files the fingerprints of the following persons, which fingerprints may be taken by a representative of a law enforcement agency of the county, state or federal government, by inspectors of such commission or by such qualified private security agency as such commission may designate: (i) all members, officers and employees of such commission; (ii) every person who is an officer, director, partner or other principal of a corporation, partnership or other entity which holds a license as an owner or operator, and every employee of such a licensee whose duties relate to the horse racing business in the City of Birmingham; (iii) all owners of horses, trainers, jockeys, apprentices, stable employees, managers, agents, blacksmiths, veterinarianarians and other persons who actively participate in the racing activities of any operator; and (iv) all other persons whose relationship to horse racing and wagering activities under the jurisdiction of such commission is of such nature that such commission, in the exercise of reasonable judgment, believes that it would be prudent to obtain the fingerprints of such persons.

(14) The commission shall report annually to the city governing body and to such state and federal authorities as shall be required by law.

(15) All books, records, maps, documents and papers of the commission, including those filed with the commission as well as those prepared by or for it, shall at all times be open for the personal inspection of any officer of

the state, the City of Birmingham or Jefferson County or any official investigative body or committee of any thereof, and no person having charge or custody thereof shall refuse this right to any officer or investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information. If any member of the commission violates the provisions of this paragraph, he shall be subject to removal from office.

(16) Subject to the provisions of Section 11 of this Act, the commission shall appoint an executive secretary and such other employees as it deems essential to perform its duties under this Act. Such employees shall possess such authority and perform such duties as the commission shall prescribe or delegate to them. Such employees may include stewards, chemists, veterinarians, inspectors, accountants, guards, and such other employees deemed by the commission to be necessary for the supervision and the proper conduct of the highest standard of horse racing. Such employees shall be compensated as provided by the commission.

(17) It is further expressly provided that no member of the Jefferson County Legislative Delegation shall be employed in any capacity by the commission, or by any owner or operator which is licensed by the commission, which such person serves in the state legislature.

(18) The executive secretary of a commission, in addition to any other duties prescribed by such commission, shall keep a true and full record of all proceedings of such commission and preserve at such commission's general office all books, documents and papers of such commission.

(19) The commission shall have the authority, subject to subsection (17) hereof, to employ legal counsel of its choice to advise such commission and represent it in all proceedings. The compensation of such counsel shall be paid out of funds of such commission.

Section 11. Each appointed officer and each employee of the commission shall be of good moral character and shall never have been indicted by a grand jury for, nor convicted of, any felony or other offense involving moral turpitude, nor shall never have been the subject of injunctive or disciplinary action by any federal or state court or regulatory body charged with protecting the public against fraudulent or illegal conduct, nor shall ever have been made the subject, either singly or in conjunction with others, of an investigation by either a federal or state law enforcement agency into activities that violate or allegedly violate federal or state laws against criminal conspiracy, racketeering, illegal gambling and other activities associated with organized crime. As a condition of employment by the commission, each employee shall make and submit to such commission, an affidavit confirming his or her qualifications, as set forth in the preceding sentence, to be an employee of such commission, which affidavit shall constitute a part of the permanent personnel records of such commission. Any employee of the commission who in such affidavit intentionally makes a false statement of material fact or intentionally fails to disclose any information necessary to make any statement of material fact made therein not misleading shall be guilty of perjury and shall be subject to prosecution and punishment therefor under the general laws of the state.

Section 12. Any person aggrieved by a refusal of the commission to issue any license or permit, or suspension or revocation of a license or permit, imposition of a fine, or any other action of the commission, may, within 30 days of such action, appeal to the circuit court of Jefferson County. If such court finds that the action of such commission was arbitrary, it shall

order the issuance or reinstatement of such license or permit, abatement of such fine or such other action as it deems appropriate. The decision of such court shall be subject to appeal as in other cases at law.

Section 13. Whenever it appears to the commission that any person has been violating or may violate any provision of this Act or any reasonable rule or regulation or final decision of such commission, it may apply to the circuit court of Jefferson County for an injunction against such person. The order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

Section 14. No person shall construct or establish a horse racetrack where race meetings are to be held and pari-mutuel wagering permitted, or own any such track or race facilities in the City of Birmingham, unless he has obtained an owner's license issued by the commission in accordance with the provisions of this Act, which license when granted shall authorize the holder thereof to conduct, establish and own in the City of Birmingham a horse racetrack where race meetings are held and pari-mutuel wagering permitted in compliance with this Act.

No person shall operate pari-mutuel wagering or conduct any race meeting at which wagering is permitted with his knowledge or acquiescence in the City of Birmingham unless he has obtained an operator's license under the provisions of this Act, which license when granted shall authorize the holder thereof to operate pari-mutuel wagering or conduct a race meeting at which pari-mutuel wagering is permitted in the City of Birmingham in compliance with this Act. No license issued under the provisions of this Act shall be transferable without the approval of the commission in compliance with any rule or regulation duly adopted by such commission.

Section 15. Any person desiring to construct or own a racetrack at which pari-mutuel wagering is permitted shall file with the commission an application for an owner's license. Such application shall be filed at the time and place prescribed by the commission and shall be in such form and contain such information as may be prescribed by such commission, including the following:

(1) The name and address of such person; if a corporation, the state of its incorporation and the full name and address of each officer and director thereof; if a foreign corporation, whether it is qualified to do business in the state; and if a partnership or joint venture, the name and address of each general partner thereof;

(2) The name, and every address for the period of five years immediately preceding the date of such application, of each stockholder or member of such corporation, or each general partner of such partnership or joint venture, and of each person who has contracted for a pecuniary interest in the applicant or the facilities at which such race meeting or pari-mutuel wagering will be conducted, whether such interest be an ownership or a security interest, and the nature and value of such interest, and the name and address of each person who has agreed to lend money to the applicant; provided that if the applicant proposes to arrange further financing, subsequent to the award of an owner's license, through a sale of stock, partnership interests or other equity interests, the issuance of debt securities, the entering into of financing leases or otherwise borrowing money, then, in such case, such commission may grant an owner's license which sets forth conditions to be met in arranging such further financing or which reserves to such commission the right to approve any or all aspects of such further financing;

(3) Such information as such commission deems appropriate regarding the character and responsibility of the applicant and the members, partners, stockholders, officers and directors of the applicant;

(4) The location and description of the racetrack, place or enclosure where such applicant proposes to hold race meetings; provided that such commission may require such information about the facilities and location of the track, including preliminary architectural plans, as it deems necessary and appropriate to determine whether they comply with the minimum standards provided in this Act, and whether the conduct of race meetings at such location would be in the best interests of the people of the state;

(5) Such information relating to the financial responsibility of the applicant as such commission deems appropriate;

(6) If any of the facilities necessary for the conduct of racing or pari-mutuel wagering are to be leased, the terms of such lease; and

(7) Any other information which such commission in its discretion deems appropriate.

Any application filed hereunder shall be verified by the oath or affirmation of an officer of the applicant, and shall be accompanied by a nonrefundable fee of \$15,000.

Section 16. A commission shall promptly consider any application for an owner's license submitted to it and shall grant or deny such license based on all information before it, including any investigations it deems appropriate. A commission shall deny a license to any applicant unless it finds as follows:

(1) That each natural person having an ownership interest in the applicant, either directly or indirectly, shall have been a resident of the state continuously for a period of five years next preceding the date of the application in question; and

(2) That the applicant's facilities will meet the following minimum standards: (a) that the facilities will provide a track racing surface of at least one mile; and (b) that the facilities will be appropriate for the conduct of year-round racing and night racing; and (c) that the facilities will be located within any area of the City of Birmingham or Jefferson County that has not been zoned for establishments with on-premise alcoholic beverage licenses, as defined in the Code of Alabama 1975, for a period of at least two years prior to the license being applied for.

For purposes of Clause (1) of the next preceding sentence of this section, a resident of the state shall be a natural person who during the period in question had such continuing presence in the state as would have satisfied the residency requirements for such person to be and remain a registered voter in the state during such period.

The provisions of this section which permit an owner's license to be granted to an owner only if each natural person having ownership interest in such owner has been a resident of the state continuously for the preceding five years shall not be construed (A) to impair the foreclosure rights of any mortgagee holding a mortgage on the racing facilities of such owner securing debt incurred to finance the costs of constructing or purchasing such racing facilities or (B) to impair the rights of any mortgagee holding such a mortgage, or the rights of any other person, corporation or other legal entity to which such racing facilities may be sold in foreclosure, to take and hold title to such racing facilities, to lease or sell the same, and to apply

for and receive an owner's license therefor from the commission upon compliance with all other applicable provisions of this Act, irrespective of whether the aforesaid condition of five years' residency in the state shall be satisfied by each individual having an ownership interest in such mortgagee or an ownership interest in a corporation or other legal entity to which such racing facilities shall be sold, as the case may be.

The commission shall deny a license to an applicant if it finds that for any reason the issuance of a license to such applicant would not be in the interests of the people of the City of Birmingham, or that the applicant, or any officer, general partner or director of the applicant:

(i) Has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for in the application;

(ii) Is or has been guilty of any corrupt or fraudulent act, practice or conduct in connection with any horse race meeting in the state or any other state;

(iii) Has had a license or permit to hold or conduct a horse race meeting denied for just cause, suspended or revoked in any other state or country; or

(iv) Is not qualified to do business in the state, or is not subject to the jurisdiction of the courts of the state.

Section 17. An owner's license issued under this Act shall be for a period determined by the commission issuing such license, not to be less than 25 years, but shall be reviewed annually. A commission issuing an owner's license shall state therein the person to whom such license is issued, the duration of such license, the location of the proposed racetrack, and such other conditions of the license and related information as such commission shall deem proper. It shall be the policy of each commission to permit widespread ownership of stock or limited partnership interests in a corporation or partnership holding an owner's license and owning a racetrack facility.

While any owner's license or licenses theretofor issued by a commission shall remain in effect, such commission shall not issue (i) any other owner's license with respect to the racetrack covered by the owner's license or licenses already in effect or (ii) any other owner's license covering any other racetrack to be located in the City of Birmingham without, in either case, the duly authorized consent of the owner or owners holding all owner's licenses already in effect, which consent shall be obtained in writing prior to the issuance of any such other owner's license. Any provisions of this Act of any other law to the contrary notwithstanding, the commission may, at the time of the issuance of an owner's license to an owner or at any time thereafter, enter into a contract with such owner establishing restrictive conditions under which the commission may license racetracks that would compete with the racetrack covered by the license of such owner, which conditions may, in the discretion of the commission, preclude the licensing of any competing racetracks while such owner's license shall remain in effect. The provisions of any such contract between the commission and an owner shall be deemed to be a part of the terms and conditions of the owner's license granted to such owner. Without in any way limiting the nature of the consideration that might be given by an owner to bind the commission to such contract, the payment of the wagering fee plus economic benefits to be derived by the commission and the City of Birmingham from the establishment and continued operation of a racetrack shall be deemed suffi-

cient consideration to make such contract binding upon the commission. Any such contract between the commission and an owner shall not be impaired by any subsequent action of such commission or by any act of the Legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the establishment and operation of a competing racetrack in contravention of such contract.

The commission may require a bond with surety acceptable to it in an amount determined by it to be sufficient to cover the maximum indebtedness anticipated to be incurred by the licensee to such commission in any year. The amount of such bond may be adjusted from time to time as such commission may require.

The commission may require the licensee to pay such commission a license fee of \$2,000 per month for a period beginning six months from the date of issuance of the owner's license to the date of the beginning of operation of the related racetrack. The license fee shall be used by the commission for operating expenses prior to the beginning of operation of the racetrack.

Section 18. Any corporation desiring to hold race meetings at which pari-mutuel wagering is permitted shall file with the commission an application for an operator's license. Such application may be made in conjunction with an application for an owner's license. It shall be filed at the time and place prescribed by the commission and shall contain such information as prescribed by the commission, including all information required for an owner's license under this Act. Any application for an operator's license filed hereunder shall be verified by the oath or affirmation of an officer of the applicant and shall be accompanied by a nonrefundable fee of \$10,000.

Section 19. The commission shall promptly consider any application for an operator's license submitted to it and shall grant or deny such license based on all information before it, including any investigation it deems appropriate. The commission shall deny a license to any applicant unless it finds as follows:

(1) That such applicant is a corporation organized under Title 10 of the Code of Alabama 1975, or comparable law or laws of another state, and qualified to do business in the state;

(2) If the corporation is a stock corporation, that no one person owns more than 30 percent in voting rights or value of the stock of such corporation, and that no "family group" (which shall mean, for the purposes of this subsection, any person and his or her spouse, parents, brothers and sisters) owns more than 50 percent in voting rights or value of the stock of such corporation; if the corporation is a nonstock corporation, that there are at least ten members, and that no more than 20 percent of the membership belongs to any family group;

(3) If the corporation is a stock corporation, that 100 percent in voting rights and value of such corporation is owned directly or indirectly (through ownership of corporate stock, partnership interests or beneficial interests in one or more trusts or estates) by natural persons who have been residents of the state continuously for a period of five years next preceding the date of the application in question; if the corporation is a nonstock corporation, that members of such corporation possessing 100 percent of the voting rights are natural persons who have been residents of the state for a period of five years next preceding the date of the application in question;

(4) That the members of the board of directors of such corporation, whether the same shall be a stock or a nonstock corporation, are individuals who have been residents of the state for a period of five years next preceding the date of the application in question;

(5) That the applicant's articles or certificate of incorporation or other corporate documents provide that it may, on vote of a majority of the stockholders or members, purchase at fair market value the entire stock or interest of any stockholder, or require the resignation of any member, who is or becomes unqualified for such position under this Act;

(6) That the applicant would be qualified, under the provisions of this Act, for a license to own the racetrack facilities at which it desires to hold a race meeting;

(7) That the applicant shall have made, or shall have committed to make, arrangements satisfactory to such commission for the detection and prosecution of any corrupt or fraudulent act, practice, or conduct in connection with any race meeting, including utilization of the services of a protective agency acceptable to such commission; and

(8) That the applicant shall have obtained and committed to maintain membership in such racing associations (as, for example, the Thoroughbred Racing Association, the American Quarter Horse Association or the United States Harness Association) as the commission finds necessary or desirable to assist an operator to operate race meetings. For purposes of Clauses (3) and (4) of the next preceding sentence of this section, a resident of the state shall be a natural person who during the period in question had such continuing presence in the state as would have satisfied the residency requirements for such person to be and remain a registered voter in the state during such period.

Section 20. An operator's license issued under this Act shall be for a period determined by the commission issuing such license, not to be less than 25 years, but shall be reviewed annually. Any such license issued under this Act shall permit the holder thereof to hold and conduct one or more race meetings each year at the racetrack to which such license shall be applicable. Races may be conducted six days or nights a week throughout the year, but not on Sunday.

The commission issuing an operator's license shall state therein the corporation to which such license is issued, the location of the racetrack where meetings are to be conducted, the period during which such license shall be in effect, and such other conditions of the license and related information as the commission shall deem proper.

While any operator's license or licenses theretofore issued by a commission shall remain in effect, such commission shall not issue any other operator's license with respect to any racing events of the kind covered by the operator's license or licenses already in effect without the duly authorized consent of the operator or operators holding all operator's licenses already in effect, which consent shall be obtained in writing prior to the issuance of any such other operator's license. Any provisions of this Act or any other law to the contrary notwithstanding, the commission may, at the time of the issuance of an operator's license to an operator or at any time thereafter, enter into a contract with such operator establishing restrictive conditions under which such commission may license the conduct of racing events that would compete with the racing events or activities covered by the license of such operator, which conditions may, in the discretion of such commission,

preclude the licensing of any competing racing events or activities while such operator's license shall remain in effect. The provisions of any such contract between a commission and an operator shall be deemed to be a part of the terms and conditions of the operator's license granted to such operator. Without in any way limiting the nature of the consideration that may be given by an operator to bind a commission to such contract, the payment of the wagering fee plus the other economic benefits to be derived by the commission and the City of Birmingham from the conduct of horse racing and pari-mutuel wagering thereon shall be deemed sufficient consideration to make such contract binding upon the commission. Any such contract between the commission and an operator shall not be impaired by any subsequent action of such commission or by any Act of the Legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the conduct of racing events or activities by persons other than such operator in contravention of such contract.

The commission issuing an operators' license shall require a bond with surety acceptable to it, and in an amount determined by it to be sufficient to cover the maximum indebtedness anticipated to be incurred by the holder of such license to such commission in any year. The amount of such bond may be adjusted from time to time as the commission may require.

Section 21. The commission may suspend or revoke any license or fine the holder thereof not to exceed \$5,000 after hearing with 15 days' notice in any case where it has reason to believe that any regulation of the commission has not been complied with or has been violated. Annually, the commission shall review the performance of each licensee for compliance with the provisions of this Act and the rules and regulations of the commission. If any such license is suspended or revoked, the commission shall state its reasons for doing so, which shall be entered of record. Such action shall be final unless appealed in accordance with the provisions of this Act.

Section 22. Any person desiring to acquire stock in, or become a member of, a corporation which holds an operator's license hereunder shall apply to the commission which issued such license on a form prescribed by it for approval of such acquisition or membership; provided, however, that no stock in any stock in corporation holding an operator's license may be acquired or transferred pursuant to the provisions of this section unless all the natural persons who will ultimately own, directly or indirectly, all the voting rights and value represented by such stock shall have been residents of the state (as "resident of the state" is defined in Section 19 hereof) continuously for a period of five years next preceding the date on which such stock is to be acquired or transferred; provided further that no person shall become a member of any nonstock corporation holding an operator's license unless such person is a natural person who shall have been a resident of the state (as "resident of the state" is defined in Section 19 hereof) continuously for a period of five years next preceding the date on which such person is to become a member of such corporation. The commission shall consider such application forthwith, and may, if it finds it necessary, demand additional information concerning the proposed acquirer or transferee of stock or the proposed member in a nonstock corporation, as the case may be. If, in the judgment of the commission the acquisition or transfer of stock or membership in a corporation holding an operator's license would be detrimental to the public interest, to the honesty and integrity of racing, or to the reputation of racing, the application shall be denied. If the application is not denied within 60 days, it shall be deemed approved. It shall be the policy of the commission to favor the widespread ownership of stock in op-

erators by residents of the state.

Section 23. No person, firm, corporation or partnership shall participate in any horse racing subject to the jurisdiction of a commission or in the conduct of any racing event or pari-mutuel wagering thereon, whether as a horse owner, trainer, jockey, exercise boy, groom, stable foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, or track employee, or enter the track enclosure in any capacity other than as a spectator, unless such person or the firm, corporation or partnership employing such person possesses a permit therefor from the commission and complies with the provisions of this Act and all reasonable rules and regulations of the commission. No permit issued under this section shall be transferable.

The provisions of this section which require a concessionaire to obtain a permit from the commission in order to operate a business selling food, beverages, souvenirs or other merchandise to persons attending racing events shall not be construed to permit the commission to charge a concessionaire any license or permit fees measured by its gross revenues or to derive any economic benefit from the operations of such concessionaires other than the permit fees authorized by Section 24 of this Act, it being expressly provided that the owner and the operators for each racing facility shall have the exclusive rights (as they may by contract allocate such rights among themselves) to determine the business conditions under which concessionaires shall operate at racing facilities under the jurisdiction of the commission and to retain all moneys (except for the commission's permit fee as aforesaid) which any concessionaire is willing to pay for the privilege of conducting business at such racing facilities.

Section 24. Any person, firm, corporation or partnership desiring to obtain a permit as required by this Act shall make application therefor on a form prescribed by the commission. Each individual applicant and each principal of any firm, chief executive officer of any corporation and managing partner of any partnership applying for a permit for such firm, corporation or partnership, as the case may be, shall be photographed and fingerprinted and shall supply such information as the commission may require. All information contained in, or submitted in support of, any application for a permit shall be confirmed by an affidavit of the person or persons making such application, whether such application shall be made on behalf of such person or persons or on behalf of a firm, corporation or partnership. Any application for a permit made by an individual who seeks to work at a racing facility under the jurisdiction of a commission and any application for a permit made by a firm, corporation or partnership that seeks to provide services or sell merchandise at such racing facility, as the case may be, shall include a statement as to whether such individual, or any owner, principal, officer, director or partner of such firm, corporation or partnership, or any employee of such firm, corporation or partnership who will actually work at such racing facility, has ever been indicted by a grand jury for, or convicted of, any felony or other offense involving moral turpitude, has ever been the subject of injunctive or disciplinary action by any federal or state court or regulatory body charged with protecting the public against fraudulent or illegal conduct, or has ever been made the subject, either singly or in conjunction with others, of an investigation by either a federal or state law enforcement agency into activities that violate or allegedly violate federal or state laws against criminal conspiracy, racketeering, illegal gambling and other activities associated with organized crime. Any firm, corporation or partnership which has previously received an effective permit from the commission to provide services or sell merchandise at a racing facility shall, as a

condition of maintaining such permit, file with such commission supplemental information (including the statement described in the preceding sentence) concerning any new or additional owners, principals, officers, directors or partners of such firm, corporation or partnership, as the case may be, or any new or additional employees thereof who will actually work at such racing facility.

The commission shall be entitled to charge fees for permits according to such schedule as it shall adopt from time to time, and in addition to the fee that it may charge a firm, corporation or partnership having employees at a racing facility under its jurisdiction, it may charge a separate fee for each individual employee of such firm, corporation or partnership working at such racing facility; provided, however, that (i) the permit fee for any one firm, corporation or partnership shall not exceed \$1,000 in any period of one year and (ii) the permit fee for any individual shall not exceed \$50 in any period of one year, regardless of whether such individual is self-employed or is employed by a firm, corporation or partnership also paying a permit fee.

At least 70% of all personnel hired by an owner or operator must be residents of the county and must have been so for at least one year prior to employment. An owner's or operator's license shall be suspended for 60 days during the racing season for any violations of this paragraph.

Section 25. The commission shall promptly consider any application for a permit submitted to it and shall issue or deny such permit based on the information in the application and all other information before it, including any investigation it deems appropriate. If an application for a permit is approved, the commission approving such application shall issue a permit which shall contain such information as such commission deems appropriate. Such permit shall be valid for one year.

The commission shall deny any such application and refuse to issue a permit, which denial shall be final unless an appeal is taken under the provisions of this Act, if it finds that the issuance of such permit to the applicant therefor would not be in the best interest of the applicant, the people of the City of Birmingham or the horse racing industry in the City of Birmingham, or that the applicant:

(1) Has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for by the application;

(2) Is or has been guilty of any corrupt or fraudulent practice or conduct in connection with any horse racing activity in the state or any other state;

(3) Has failed to comply with the provisions of this Act or the reasonable rules and regulations of the commission;

(4) Has had a permit to engage in an activity related to horse racing for just cause, suspended or revoked in any other state, and such denial, suspension or revocation is still in effect; or

(5) Is unqualified to perform the duties required for the permit sought.

Section 26. The commission may suspend or revoke a permit issued under this Act or fine the holder of such permit not to exceed \$1,000, after hearing with 15 days' notice to such holder, in any case where it has reason to believe that any provision of this Act, or any reasonable rule or regulation of the commission, has not been complied with or has been violated. The commission may revoke such permit, after such hearing, if it finds that

facts not known by it at the time it considered the application for such permit indicate that such permit should not have been issued. If any permit is suspended or revoked, the commission shall state its reasons for so doing and shall enter the same in the permanent records of its proceedings. The suspension or revocation of a permit shall be final unless an appeal is taken in accordance with the provisions of this Act.

Section 27. Any person desiring to act as a steward for any race meeting conducted pursuant to this Act must obtain a license from the commission having jurisdiction over such race meeting. The commission shall require such applicant for a steward's license to pass one or more examinations on matters relating to the duties of stewards. Such examinations shall be prepared and administered in accordance with rules and regulations to be adopted by the commission. The commission may establish other requirements, in addition to successful completion of such examinations, which must be met by any applicant in order to obtain a steward's license, including, without limitation, payment of reasonable license fees. Any steward's license issued pursuant to this Act shall have a term not exceeding two years, provided that the term of any such license may be extended or renewed at the option of the commission.

Three licensed stewards shall be appointed to supervise each race meeting conducted pursuant to this Act. Two of such stewards shall be appointed by the commission governing such race meeting and one shall be appointed by the operator conducting such race meeting. Such stewards shall exercise such powers and perform such duties at each race meeting as may be prescribed by the rules and regulations of the commission.

Section 28. Pari-mutuel wagering conducted by an operator shall be conducted in accordance with the provisions of this section. An operator shall provide a place or places at the racetrack operated by it at which such operator shall conduct a pari-mutuel system of wagering by its patrons on the results of horse races held at such racetrack. Such place or places shall be provided with the electronic or mechanical equipment necessary to issue pari-mutuel tickets, as well as the electronic or mechanical equipment necessary to record the wagering, compute the odds, and determine the awards to winning bettors, all in an accurate and speedy manner. All such equipment shall be approved by the commission licensing such operator before being used, but such commission shall not require the installation of any particular make of such equipment.

An operator shall distribute all sums deposited in any pari-mutuel pool where the bettor is required to select one horse to the winners thereof, less an amount which shall not exceed the sum of (i) seventeen percent of the total deposits and (ii) the breakage. For every pool where the bettor is required to select two horses, an operator shall distribute all sums deposited therein to the winners thereof, less an amount which shall not exceed the sum of (i) twenty-one percent of the total deposits and (ii) the breakage. For every pool where the bettor is required to select three or more horses, an operator shall distribute all sums deposited therein to the winners thereof, less an amount which shall not exceed the sum of (i) twenty-three percent of the total deposits and (ii) the breakage. An operator shall be entitled to retain the breakage and, in addition, all moneys represented by unclaimed, uncashed, or abandoned pari-mutuel tickets; provided, however, that no pari-mutuel ticket shall be deemed to be unclaimed, uncashed, or abandoned unless it shall not be presented for payment within six months from the date of the running of the race to which such pari-mutuel ticket pertains.

Under the pari-mutuel system of wagering herein provided, an operator shall be permitted to provide separate pools for bets to win, place, and show, as well as separate pools for more complex wagers involving such combinations of races and such combinations of the outcomes of races as may be approved by the commission licensing such operator. Each pool shall be redistributed separately to the winners thereof as herein provided. If there is no ticket bet on the winning horse or combination of horses for any pari-mutuel pool, the portion of the pool which would have been distributed to any winners thereof shall be distributed to the holders of tickets for such pool in accordance with the rules adopted by the governing commission for that kind of pari-mutuel pool. Rules and regulations governing the operation of each kind of pari-mutuel pool permitted by a commission shall be published in book or pamphlet form by such commission.

Section 29. Each operator shall pay to the treasurer of the commission licensing such operator a wagering fee for each calendar year during which it conducts any racing events. The amount of the wagering fee for an operator for a given calendar year shall be equal to the sum of (i) three percent of the handle of such operator for such calendar year to the extent that such handle does not exceed \$150,000,000 and (ii) four percent of the portion of the handle of such operator for such calendar year that exceeds \$150,000,000. Each operator shall make payment of its wagering fee for each calendar year to the treasurer of the licensing commission in monthly installments. For each calendar year, the monthly installment referable to any month (other than the month during which the final racing event for such calendar year shall be conducted) shall be equal to three and one-half percent of the handle for such month. The monthly installment referable to the month during which the final racing event for any such calendar year shall be conducted shall be equal to the sum of (i) three percent of the handle for such month and (ii) two percent of the portion of the aggregate handle for such calendar year in excess of \$150,000,000. The installment of the wagering fee referable to any calendar month shall be paid to the treasurer of the appropriate commission prior to the end of the next succeeding calendar month.

If at any time during a calendar year the aggregate handle of an operator for such calendar year exceeds \$150,000,000, then such operator shall, in order to assure the availability of the moneys required to pay the final installment of its wagering fee for such calendar year, set aside and invest moneys in an amount equal to two percent of the portion of such aggregate handle in excess of \$150,000,000 in investments of the kind in which the funds of the commission are permitted by Section 9 hereof to be invested by its treasurer. Any such investments acquired by an operator shall be held by it in trust for the benefit of the commission in order to secure the payment of the wagering fee, but the operator shall be entitled to any interest earned from such investments until the due date of the final installment of the wagering fee for such calendar year.

The Legislature hereby finds and determines that the wagering fee authorized in this Act is the maximum license fee or equivalent charge which can be levied against pari-mutuel wagering on horse racing without impairing the economic viability of horse racing and lessening its contribution to increased employment and tourism in the state. The commission shall have no power to increase the wagering fee above the limits provided in this Act or to impose any additional tax or license fee on pari-mutuel wagering conducted under the provisions of this Act.

Any provision of this Act or any other law to the contrary notwithstanding.

standing, the commission may, at the time of the issuance of an owner's or operator's license or at any time thereafter, enter into a contract with the owner or operator to which such license may be issued for the purpose of establishing limits on the amount of the fees and commissions that may be levied or charged for the granting, use or continuation of an operator's license with respect to a particular racetrack during the term or duration of such license, which limits may not provide for license fees and commissions less than the license fees and commissions established at the time of such contract by this Act or any other then effective law amending or supplementing this Act. The provisions of any such contract between a commission and an owner or operator shall be deemed to be a part of the terms and conditions of the license in connection with which such contract is made. Without in any way limiting the nature of the consideration that may be given by an owner or operator to bind the commission to such contract, the payment of the wagering fee plus the other economic benefits to be derived by the commission and its sponsoring municipality from the conduct of horse racing and pari-mutuel wagering thereon shall be deemed sufficient consideration to make such contract binding upon the commission. Any such contract between the commission and an owner or operator shall not be impaired by any subsequent action of the commission or by any Act of the Legislature of Alabama which attempts to increase the fee for an operator's license covered by such contract or to impose any tax or additional license fees in excess of the limits established by such contract.

Section 30. From the moneys deposited in pari-mutuel pools which are not distributed to the holders of winning tickets, each operator shall apply an amount equal to 7 percent of its total handle to provide purse moneys for races conducted by such operator. Prior to the commencement of any race meeting, the operator conducting such meeting shall estimate the amount of its handle to be derived from such meeting. Based upon such estimate, the operator shall adopt a schedule providing for a reasonable allocation of purse moneys over the period of the anticipated race meeting. Any such schedule may be amended from time to time during the course of a race meeting if it becomes apparent that the operator's actual handle for such race meeting will not match its original estimate.

Each operator shall provide the commission with periodic reports respecting the amounts applied by such operator to provide purse moneys. If at the close of any race meeting it is determined that the operator conducting such meeting failed to apply an amount equal to 7 percent of its handle for such meeting to provide purse moneys, then any excess shall be deducted from, and any deficiency shall be added to, the amount which such operator is required to provide as purse moneys for its next succeeding race meeting.

Section 31. The commission shall have the power to adopt rules and regulations specifying the conditions under which television or radio coverage of racing events held at racetracks located outside the state may be transmitted for public viewing to facilities within the City of Birmingham which are under the jurisdiction of the commission and there made the object of pari-mutuel wagering. Subject to such exceptions as the commission may approve by rule or regulation in order to satisfy applicable requirements of federal law, all pari-mutuel wagering with respect to such racing events that are subject to television or radio coverage shall be subject to the rules governing pari-mutuel wagering on racing events conducted at racetracks under the jurisdiction of the commission, including the provisions of Sections 28 and 29 hereof.

The commission shall also have the power to adopt rules and regulations specifying the conditions under which television or radio coverage of racing events held at racetracks under the jurisdiction of the commission may be either (i) transmitted on a live or delayed basis by a commercial television or radio station or network for the entertainment of the public or (ii) transmitted to specific locations in other states for the purpose of parimutuel wagering at such locations.

Section 32. The governing body of the City of Birmingham may by ordinance impose a fee on an operator licensed hereunder to conduct a race meeting of \$.25 on the admission of each person on each day of such meeting, except those persons holding valid permits under this Act and actually employed at such track in the capacities for which such permits were issued. The operator may collect such amount from the ticket purchaser in addition to the amount charged for the ticket of admission.

Section 33. The commission shall establish a special fund to promote the breeding, raising and racing of thoroughbred and standardbred horses in the state, which shall be known as "The Birmingham Racing Commission Breeding and Development Fund." Each operator shall pay to the commission a breeding fund fee for each month during which it conducts any racing events. For each operator, the breeding fund fee for any month shall be an amount equal to one-half of one percent (or, in the case of any such fee referable to any month during the period of three years immediately following such operator's receipt of an operator's license, one-fourth of one percent) of the handle for such operator for such month. The breeding fund fee payable by an operator for a given month shall be paid to the treasurer of the commission before the end of the succeeding month. All breeding fund fees received by the commission shall be deposited into its breeding fund.

Twenty percent of the aggregate amount of breeding fund fees received by the commission in each calendar year shall be set aside for distribution to the schools of veterinary medicine at Auburn University and Tuskegee Institute. The commission shall distribute the moneys so set aside on such schedule as shall be administratively reasonable and convenient, but in any event all such moneys referable to the breeding fund fees received in any calendar year shall be distributed not later than 60 days after the end of such calendar year. The commission shall divide the 20 percent of the breeding fund fees required to be set aside for the schools of veterinary medicine at Auburn University and Tuskegee Institute between such schools in an equitable manner, taking into account the number of students served by each school, the nature and quality of equine research conducted at each such school and such other factors as the commission shall deem relevant in the circumstances; provided, however, that neither of such schools of veterinary medicine shall receive less than 25 percent of the total amount required to be set aside by the provisions of this paragraph in any calendar year. All moneys distributed to the schools of veterinary medicine at Auburn University or Tuskegee Institute pursuant to this paragraph shall be used exclusively for supportive research on the health and diseases of the horse.

The commission shall adopt rules and regulations governing the maintenance and administration of its breeding fund and the disbursement of the moneys deposited therein, provided that such moneys may be used only for the purposes:

(1) To provide awards to breeders and owners of Alabama-bred thoroughbred or standardbred horses finishing first, second, third or fourth in

pari-mutuel races run in the state;

(2) To provide awards to stallion owners whose Alabama stallions have sired Alabama-bred thoroughbred or standardbred horses finishing first, second, third or fourth in pari-mutuel races run in the state;

(3) To provide purse moneys for races conducted exclusively for Alabama-bred thoroughbred or standardbred horses under conditions which have been approved by such commission;

(4) To advance and promote the breeding and raising of thoroughbred and standardbred horses in the state by the publication and dissemination of information relating thereto;

(5) To promote equine research through grants to universities within the state; and

(6) To provide for the administration and management of such breeding fund.

Section 34. The wagering fee and other fees imposed by this Act on pari-mutuel wagering shall be in lieu of all license and excise taxes imposed on horse racing and pari-mutuel wagering thereon by the state, county, or city or other political subdivision thereof; provided, however, that this section shall not be construed to confer any exemption with respect to any uniform taxes levied generally on property, income or business activity, including, without limitation (i) income taxes levied by the state, (ii) occupational taxes levied on wages by the City of Birmingham or Jefferson County, (iii) ad valorem taxes levied on any racing facility at the same rates as are applicable to other commercial property having comparable market value, and (iv) state and local sales taxes on merchandise sold by operators or their concessionaires at racing events.

Section 35. (a) Of the wagering fee of three percent of the handle on the first \$150,000,000 as set out in Section 29, one percent shall go to the state racing commission, if there exists one, otherwise to the state general fund. The remaining two percent shall be distributed to subsection (b) below.

(b) All fees, commissions and other moneys, including fines and forfeitures, to which the commission shall be entitled under the provisions of this Act, including the two and one-half percent remainder of the monies in subsection (a) above, shall be paid to the treasurer and shall be deposited by said treasurer to the account of the commission. All such moneys remaining after (i) the payment of all expenses incurred in the administration of this Act, including, without limitation thereto, the payment of the salaries and expenses of the members and employees of such commission and (ii) the deposit into the thoroughbred breeding fund of all amounts required by Section 33 hereof to be deposited therein shall be allocated and paid not less frequently than once each calendar year as follows:

(1) Twenty percent of the net revenues shall be allocated to the City of Birmingham, subject to the condition that five percent of the amount so allocated shall be contributed to the general employees' pension fund of the city for the purpose of providing cost-of-living increases in pension benefits;

(2) Ten percent of the net revenues shall be allocated in total to Jefferson County as follows:

(a) One-half shall be used for county-wide purposes (including both incorporated and unincorporated areas) in such manner as shall be deter-

mined by the governing body of the county, and

(b) one-half shall be used to defray the cost of governmental operations conducted in the unincorporated parts of the county or shall otherwise be used for the exclusive benefit of the unincorporated parts of the county in such manner as shall be determined by the governing body thereof;

(3) Nine percent of the net revenues shall be allocated to the board of trustees of the University of Alabama, subject to the conditions that:

a. Such amount shall be used exclusively for University systems located in Jefferson County;

b. One-twelfth of the amount of net revenues allocated to the board of trustees of the University of Alabama shall be used for the support of any programs operated for the correction or treatment of learning disorders of any kind or research into the causes of such disorders, and if no such programs are operated by the board of trustees of the University of Alabama in Jefferson County, such portion of the net revenues shall be used in the county for such other purposes or programs as may be determined by said board of trustees, and

c. One-twelfth of the amount of net revenues allocated to the board of trustees of the University of Alabama shall be used for the support of any programs or laboratories operated for research in virology, and if no such programs or laboratories are operated by the board of trustees of the University of Alabama in the county, such portion of the net revenues shall be used in such county or counties for such other purposes or programs as may be determined by said board of trustees;

(4) Three percent of the net revenues shall be allocated in total to Jefferson State Junior College located in the county;

(5) Two percent of the net revenues shall be allocated in total to a public junior or community college of which the student enrollment is predominantly from economically disadvantaged minorities. If there shall be more than one of such colleges, the said two percent of the net revenues shall be apportioned equally among such colleges;

(6) One percent of the net revenues shall be allocated for public technical colleges located in the county and if there shall be more than one of such colleges, the said one percent of the net revenues shall be apportioned equally among such colleges;

(7) Two percent of the net revenues shall be allocated to any public corporation or authority which provides public transportation in an area including the City of Birmingham;

(8) Twenty and one-half percent of the net revenues shall be allocated in total to all county, municipal, district or other public school systems operating primary and/or secondary schools in the county; and if there shall be more than one of such school systems, the said twenty and one-half percent of the net revenues shall be allocated to such school systems in proportion to their average daily attendance during the most recently completed school year;

(9) If any incorporated municipalities other than the City of Birmingham are located in the county, six percent of the net revenues shall be allocated in total to such other municipalities; and if there shall be more than one of such municipalities, the said six percent of the net revenues shall be allocated to such municipalities in proportion to their population as deter-

mined by the most recent federal decennial census;

(10) Six percent of the net revenues shall be allocated in total to any public fire districts or volunteer fire departments organized and operating in unincorporated parts of the county; and if there shall be more than one of such fire districts or volunteer fire departments, the said six percent of the net revenues shall be allocated as follows:

a. Among such fire districts and volunteer fire departments in proportion to the approximate number of single family residences and other buildings provided fire protection thereby, which number in the case of a public fire district shall be the paid membership thereof and in the case of a volunteer fire department shall be a census of the number of protected residences and other buildings confirmed by affidavit of the chief executive of such volunteer fire department, with such paid membership or census of protected buildings to be determined as of the time and according to such rules as may be established by the commission for the purpose of making such allocations; or

b. Among such fire districts and volunteer fire departments on such other basis and in such other manner as shall from time to time be provided by law;

(11) Two percent of the net revenues shall be allocated in total to any hospitals which are owned by any county or municipality or public corporation or authority and which are located in the county; and if there shall be more than one of such hospitals, the said two percent of the net revenues shall be allocated to such hospitals in proportion to their average patient census during the most recently completed annual period selected by the commission for the purpose of making such allocation;

(12) Two percent of the net revenues shall be allocated in total to any public authority or corporation at any time created by law to alleviate or solve, or to assist in the alleviation or solution of, flooding problems caused by creeks in the city and county as the result of heavy rainfall;

(13) One percent of the net revenues shall be allocated to the Tannehill Furnace and Foundry Commission established pursuant to Code of Alabama 1975, §§ 41-9-320 through 41-9-330, inclusive; and

(14) If and to the extent that the allocations of net revenues described in this subsection can be lawfully made to recipients satisfying the applicable conditions as herein set forth, the commission shall allocate and disburse the following percentages of the net revenues for the following purposes:

a. Two percent of the net revenues shall be allocated in total to Miles College;

b. Two percent of the net revenues shall be allocated in total to Miles College Law School;

c. One-half of one percent of the net revenues shall be allocated in total to private, nonprofit colleges which are located in the city and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;

d. One percent of the net revenues shall be allocated in total to nonprofit organizations, whether public or private, which operate in the county and which promote, undertake or otherwise assist the career orientation, training and employment of persons belonging to economically disadvan-

taged minorities;

e. One percent of the net revenues shall be allocated in total to non-profit organizations, whether public or private, that are located in the sponsoring municipality and that promote economic development in the sponsoring municipality and the surrounding metropolitan area;

f. Five percent of the net revenues shall be allocated in total to private charitable hospitals located in the city and which primarily provide care for children;

g. One percent of the net revenues shall be allocated in total to non-profit organizations, which are located in the county and which sponsor, promote or conduct research and education related to the cure and control of sickle cell anemia and provide treatment or other aid for victims of that disease;

h. Subject to the provisions of paragraph i of this subsection 14, one and one-half percent of the net revenues shall be allocated in total to non-profit organizations (including any particular branch thereof) which are located in the city (including, without limitation thereto, organizations such as the Young Men's Christian Association and the Young Women's Christian Association) and which provide educational and recreational activities for young persons predominantly belonging to economically disadvantaged minorities;

i. One and one-half percent of the net revenues shall be allocated in total to nonprofit organizations (including particularly any research development and scholastic assistance fund), whether public or private, which are located in the county and which promote and encourage scientific or technical education at the secondary and college levels by any means, including, without limitation thereto, financial assistance to schools and students, the development of improved curricula, and the training of teachers;

j. One-half of one percent of the net revenues shall be allocated in total to private, nonprofit organizations which are located in the city and which sponsor and promote ballet and similar forms of the art of dance by any means, including the training of dancers and the giving of performances.

If there shall at any time exist more than one institution or organization which qualifies for a portion of any generic allocation of net revenues made pursuant to any of subparagraphs a through l, inclusive, of subsection 14 of this section, then, and in such case, the commission shall apportion such allocation among all institutions or organizations which evidence to the commission (in such manner as it shall reasonably require) their respective qualifications to receive a portion of such allocation. Any such allocation shall be apportioned among the qualifying institutions and organizations of each generic category in an equitable manner to be determined by the commission, taking into account the relative scale of activities of each qualifying institution or organization, the number of persons served thereby or other relevant factors. The commission shall have reasonable discretion in determining whether, in the light of the legislative intent, a particular institution or organization shall be entitled to an allocation of any portion of the net revenues pursuant to the provisions of this section.

The commission and the individual members thereof shall be fully protected against any charge of malfeasance in relying upon an opinion of the Attorney General of the state of Alabama that a portion of the net revenues may be lawfully allocated and paid to any institution or organization pursuant to any of the provisions of this Act, unless a court of competent jurisdic-

tion shall declare invalid the allocation of net revenues to any such institution or organization.

If any allocation of any portion of the net revenues pursuant to any provision of this section cannot be made for any reason (including, without limitation thereto, the legal invalidity of the provisions of this Act authorizing such allocation, lack of lawful authority by the commission to make such allocation, the nonexistence of any public body or any public or private institution or organization entitled to receive such allocation, or any other failure to satisfy the conditions of such allocation), then, and in such case, the failure of such allocation shall not impair the validity or effectiveness of any part of this for such allocation, nor shall the failure of such allocation adversely affect any other allocation of net revenues under this Act. Any portion of the net revenues that, for any reason, cannot be allocated in accordance with the specific provisions of this section shall be apportioned among those governmental bodies, institutions and organizations actually receiving lawful allocations hereunder in proportion to the respective amounts of net revenues which would have been allocated to such governmental bodies, institutions and organizations if there had been no need to reallocate any net revenues that could not be allocated in accordance with the specific provisions of this section.

It is hereby expressly declared that the primary purpose of this Act is to provide a means for permitting and regulating horse racing and pari-mutuel wagering thereon in the City of Birmingham and, further, that it is not a primary purpose of this Act to provide funds for the various governmental bodies and public or private institutions and organizations to which allocations of portions of the net revenues of the commission are made pursuant to this section. The Legislature recognizes that one or more of such governmental bodies, institutions or organizations may not exist in the City of Birmingham or in the surrounding county, as the case may be, and that, even if the intended recipients do exist and satisfy the applicable conditions, any one or more of such allocations of the net revenues may fail because of legal invalidity or other reasons. The allocations of net revenues made pursuant to this section represent the legislative effort to confer an incidental benefit upon a wide spectrum of governmental and charitable activities, all of which may not be present in the same degree in the city subject to this Act. Therefore, the legal invalidity or other failure of one or more allocations of net revenues made pursuant to this section should not impair the general validity of this Act or prevent the provisions hereof, other than those relating to the invalid or ineffective allocations, from being implemented as a coherent whole.

Section 36. No person who engages in the practice of professional gambling on horse races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practice, shall be eligible as an applicant for any license or permit to own or operate a racetrack or conduct racing activities under the provisions of this Act, or to be connected therewith in any capacity, and any corporation, partnership or other legal entity which has an officer, director, stockholder, partner or executive or who employs any person who engages in such practices shall likewise be ineligible as a licensee, and each commission is hereby empowered to inquire into such matters in entertaining any such application and otherwise in administering this Act.

Section 37. The possession or transportation of any drug or chemical except those permitted by regulations of the appropriate commission within the racing enclosure is prohibited except upon a bona fide veterinarian's

prescription with a complete statement of uses and purposes on the container. A copy of such prescription shall be filed with the stewards.

Section 38. Any credential, license or permit issued by the commission, if used by the holder thereof for a purpose other than identification and in the performance of legitimate duties on a racetrack, shall be automatically revoked whether so used on or off a racetrack.

Section 39. No person shall knowingly enter or race any horse in any running or harness race under any name Quarter Horse Association or other applicable name to such horse by and registered with the Jockey Club, the United States Harness Association, the American Quarter Horse Association or other applicable association or knowingly instigate, engage in or in any way further any act by which any horse is entered or raced in any running or trotting race under any name or designation other than the name or designation duly assigned by and registered with the Jockey Club, the United States Harness Association, the American association.

Section 40. No person shall wager on or conduct any wagering on the outcome of a horse race pursuant to the provisions of this Act unless such person be twenty-one years of age or older. No person shall accept any wager from a person under the age of twenty-one years.

Section 41. The provisions of this Act are expressly declared to be severable. If any provision of this Act shall be adjudged to be invalid by any court of competent jurisdiction, such provision shall be severed from this Act in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this Act, and the operation of such judgment shall be limited to the provision thereof directly involved in the action in which such judgment shall have been rendered.

Section 42. Insofar as the provisions of this Act may be inconsistent with the provisions of any other law concerning activities and actions authorized by this Act, the provisions of this Act shall control, it being specifically declared that any other provisions of existing law that prohibit or regulate horse racing, gambling or pari-mutuel wagering shall not be applicable to any activities or actions authorized by this Act.

Section 43. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Rogers to table the substitute offered by Rep. Payne to the bill, H. 13 as amended, was lost.

Yeas 29; Nays 43.

Yeas:

Reps.: Albright, Boles, Bowling, Bryant, Bugg, Buskey (James), Buskey (John), Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Grayson, Holmes, Horn, Kennedy, McDowell, McNair, Melton, Newman, Onderdonk, Perdue, Pratt, Reed, Rogers, Seibels, Spratt and Thomas.

—29

Nays:

Reps.: Adams, Bachus, Beers, Biddle, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Butler, Carter, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hammett, Harper, Hooper, Johnson (Roy), Kvalheim, Laird,

McKee, McMillan, Marietta, Mikell, Mitchell, Penry, Poole, Rains, Rice, Richardson, Smith, Starr, Trammell, Turner, Turnham, Warren, White (F), White (G) and White (L).

—43

SUBSTITUTE ADOPTED

The question was than on the adoption of the substitute offered by Rep. Payne to the bill, H. 13 as amended, and the substitute was adopted.

Yeas 66; Nays 9.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (J), Clark (W), Coleman, Crow, Dutton, Faulk, Flowers, Fuller, Gaston, Gray, Hall, Hammett, Harper, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Laird, McKee, McMillan, McNair, Marietta, Mikell, Mitchell, Newman, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Thomas, Trammell, Turner, Turnham, White (G) and White (L).

—66

Nays:

Reps.: Grayson, Grouby, Harvey, Holmes, McDowell, Pratt, Seibels, Starr and Warren.

—9

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, H. 13 as amended:

Amend H.B. 13 on page 8, Section 4, by striking Section 4 and substituting therefor the following:

Section 4. Referendum to approve commission. There shall be a statewide referendum held for the purpose of determining if this Act shall become effective. The referendum shall be held not less than forty-five (45) days after the effective date of this Act and shall be conducted in the manner provided by law. The question to be voted on shall be stated on the ballots or voting machine tapes substantially as follows:

Do you favor the authorization of horse racing and pari-mutuel wagering thereon in the City of Birmingham as provided by Act No. ____ adopted on ____, 1984?

If the majority of votes cast in the City of Birmingham, in Jefferson County and in the State of Alabama is "yes", then this Act shall take effect. If the majority of votes cast in either the City of Birmingham, in Jefferson County, or the State of Alabama is "no", then the terms of this Act shall not take effect.

AMENDMENT TABLED

On motion of Rep. Rogers, the amendment offered by Rep. Brooks to the bill, H. 13 as amended, was tabled.

Yeas 48; Nays 25.

Yeas:

Reps.: Albright, Bachus, Biddle, Blake, Blakeney, Boles, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Ford, Gray, Grayson, Hall, Harvey, Holmes, Horn, Johnson (Roy), Kennedy, McNair, Melton, Mitchell, Newman, Nicholson, Onderdonk, Payne, Perdue, Poole, Pratt, Preuitt, Reed, Rogers, Spratt, Tanner, Thomas, Trammell, White (G), White (L) and Zoghby.

—48

Nays:

Reps.: Beers, Box, Brakefield, Britnell, Brooks, Butler, Gaston, Grouby, Hammett, Harper, Hettinger, Hooper, Kvalheim, Laird, McDowell, McKee, Marietta, Rains, Rice, Richardson, Smith, Turner, Turnham, Warren and White (F).

—25

And the bill:

H. 13. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in the City of Birmingham; to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in Birmingham; to provide for a referendum of the voters of the county on the question of whether this Act will become effective in the county; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in Birmingham; to provide for the designation or appointment and the terms of office of the members and officers of the commission; to provide for and authorize the incorporation of the commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of the commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by the commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by the commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by the racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by the racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of a license fee for pari-mutuel wagering by each licensed operator to the racing commission licensing such operator and to specify the method for determining the amount of any such fee; to provide that the racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent Act of the Legislature; to authorize the racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing

facilities governed by the racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any the racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of the commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by the racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize the racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in the City of Birmingham.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 40; Nays 33.

Yeas:

Reps.: Albright, Bachus, Biddle, Boles, Bowling, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (W), Coleman, Davis, Escott, Gray, Grayson, Hall, Hettinger, Holmes, Hooper, Horn, Kennedy, McDowell, McNair, Melton, Newman, Onderdonk, Payne, Perdue, Pratt, Preuitt, Reed, Rogers, Seibels, Spratt, Thomas, Trammell, White (G) and White (L).

—40

Nays:

Mr. Speaker, Blake, Blakeney, Box, Britnell, Brooks, Burke, Butler, Carter, Clark (J), Dutton, Gaston, Grouby, Hammett, Harper, Harvey, Johnson (Roy), Kvalheim, McKee, McMillan, Marietta, Mitchell, Nicholson, Poole, Raines, Rice, Richardson, Smith, Starr, Turner, Turnham, Warren and White (F).

—33

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 93. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, March 1, 1984, we adjourn to meet again on Wednesday, March 7, 1984, at 3:00 p.m..

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 93, was adopted.

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Rogers offered the motion to reconsider the vote by which the bill, H. 13 as amended, was passed, and to table his motion to reconsider the vote, and the motion to table was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 87. To provide for and create the Madison County Racing Commission, for the regulating, licensing and supervising of greyhound racing and pari-mutuel wagering thereon; to prescribe the composition, appointment, powers and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Was taken up.

AMENDMENT OFFERED

Rep. Butler offered the following amendment to the bill, H. 87.

Amend H. 87, Section 17, subsection (B), page 17, lines 9 through 16, by striking said subsection (B) and inserting in lieu thereof the following:

(B) (1) Fifteen percent (15%) shall be paid to the municipality in which the track is located.

(2) Two percent (2%) shall be paid to law enforcement agencies as follows: One percent (1%) shall go to the Madison County Sheriff's Department; one-half of one percent ($\frac{1}{2}\%$) shall be paid to the City of Huntsville police department; and one-half of one percent ($\frac{1}{2}\%$) shall be divided among the remaining five municipalities according to population.

AMENDMENT TABLED

On motion of Rep. Albright, the amendment offered by Rep. Butler to the bill, H. 87, was tabled.

Yeas 29; Nays 7.

Yeas:

Reps.: Albright, Boles, Bowling, Bryant, Bugg, Buskey (James), Buskey (John), Clark (J), Coleman, Davis, Escott, Grayson, Hall, Hettinger, Horn, Johnson (Roy), Kennedy, McMillan, McNair, Melton, Newman, Perdue, Pratt, Preuitt, Rogers, Seibels, Spratt, Turner and Zoghby.

—29

Nays:

Reps.: Brooks, Butler, Gaston, Kvalheim, Lindsey, McDowell and Rains.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the

Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Butler offered the following amendment #2 to the bill, H. 87:

Amend H. B. 87, Section 15, page 15, line 33, by striking the word "licensee" and inserting in lieu thereof the words: Madison County Commission

Also, in Section 15, page 16, line 2, amend by inserting after the word "money", the following:

, shall be retained by the licensee.

Also, in Section 17, page 17, between lines 27 and 28, amend by inserting the following:

(E) Breaks to a dime to the Madison County Commission earmarked as supplemental appropriation for capital improvements in the Madison County school system to be appropriated upon request of the Madison County Board of Education, and to county water systems.

MOTION TO RECOMMIT TABLED

On motion of Rep. Albright, the motion offered by Rep. Hettinger to recommit the bill, H. 87, to the Standing Committee on Ways and Means, was tabled.

Yeas 32; Nays 14.

Yeas:

Reps.: Albright, Black, Boles, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (J), Coleman, Davis, Dutton, Escott, Grayson, Hall, Horn, Johnson (Roy), McDowell, McMillan, McNair, Melton, Newman, Onderdonk, Perdue, Pratt, Preuitt, Rogers, Seibels, Spratt, Starkey, Turner and White (L).

—32

Nays:

Reps.: Bachus, Beers, Brooks, Butler, Gaston, Hettinger, Kvalheim, Mikell, Poole, Rains, Smith, Starr, White (F) and White (G).

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT TABLED

The question was then on the adoption of the amendment #2 offered by Rep. Butler to the bill, H. 87, and on motion of Rep. Albright, the amendment was tabled.

Yeas 30; Nays 6.

Yeas:

Reps.: Albright, Boles, Bryant, Bugg, Buskey (James), Buskey (John), Clark (J), Coleman, Davis, Escott, Gray, Grayson, Hall, Hettinger, Horn, Johnson (Roy), Kennedy, McDowell, McMillan, Melton, Newman, Onderdonk, Perdue, Pratt, Preuitt, Rogers, Seibels, Spratt, Turner and Zoghby.

—30

Nays:

Reps.: Brooks, Butler, Hooper, Rains, Rice and Smith.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Butler offered the amendment #3 to the bill, H. 87:

Amend H. B. 87, Section 11, page 14, between lines 14 and 15, by adding subsection (c) as follows:

(c) Seventy-five percent (75%) of track employees hired by the licensee must be residents of Madison County.

AMENDMENT TABLED

On motion of Rep. Albright, the amendment #3 offered by Rep. Butler to the bill, H. 87, was tabled.

Yeas 17; Nays 8.

Yeas:

Reps.: Albright, Bryant, Bugg, Buskey (James), Clark (J), Coleman, Davis, Grayson, Hall, Johnson (Roy), McNair, Newman, Onderdonk, Preuitt, Seibels, Turner and Zoghby.

—17

Nays:

Reps.: Brooks, Butler, Hettinger, Hooper, Poole, Rains, Richardson and Smith.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, H. 87:

Amend House Bill No. 87, Section 15, Page _____, line _____, by deleting: "(1) Four percent (4%) of the first \$50,000; six percent (6%) of the next \$100,000; and eight percent (8%) of all contributions over \$150,000,

shall be paid to the Commission, which, after deduction of its expenses, shall be distributed among the public agencies in the proportions fixed by Section 17 hereof; (2) from such total contributions, fourteen percent (14%) of the first \$50,000; twelve percent (12%) of the next \$100,000; and ten percent (10%) of all contributions over \$150,000, shall be paid to the licensee operating the track." and inserting in lieu thereof the following: "(1) eight percent (8%) of all contributions shall be paid to the Commission, which, after deductions of its expenses, shall be distributed among the public agencies in the proportions fixed by Section 17 hereof; (2) from such total contributions, ten percent (10%) shall be paid to the licensee operating the track."

AMENDMENT TABLED

On motion of Rep. Albright, the amendment offered by Rep. Brooks to the bill, H. 87, was tabled.

Yeas 23; Nays 13.

Yeas:

Reps.: Albright, Black, Boles, Bryant, Bugg, Buskey (James), Buskey (John), Clark (J), Coleman, Davis, Escott, Grayson, Hall, Horn, Johnson (Roy), Kennedy, Newman, Onderdonk, Preuitt, Rogers, Seibels, Spratt and Turner.

—23

Nays:

Reps.: Bachus, Beers, Brooks, Butler Gray, Hettinger, Hooper, Mikell, Mitchell, Poole, Richardson, Smith and White (G).

—13

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #2 to the bill, H. 87.

Amend House Bill No. 87, page____, line____, (of the preamble) by adding after the phrase "purposes relative thereto;" and before the phrase "and to provide for", the following: to provide for a government ownership of the greyhound race track option;

And amend Section 23, page____, line____, by deleting, "Do you favor the creation of the Madison County Racing Commission to regulate licensing and supervision of greyhound racing and pari-mutuel wagering thereon as provided in Act No.____ approved____, 1984?" and inserting the following: "Do you want greyhound racing and legalized gambling, through pari-mutuel wagering, allowed in Madison County as provided in Act No.____, approved____, 1984?"

And amend Sections 24, 25 and 26 by renumbering them Sections 26, 27 and 28, respectively.

And amend page____, line____ by adding thereto new Sections 24 and 25 as follows:

Section 24. If the majority of votes cast on the question in Section 23 is "yes", then the following question shall determine whether the greyhound race track shall be privately owned pursuant to the preceding sections of this act or shall be publicly owned according to the terms of Section 25. This question shall be decided in the same manner as in Section 23. The question is:

"If a greyhound race track is going to be located in Madison County because of voter approval of the previous question, do you prefer that the track be publicly owned (in which case all of the profits would go for local government services) or privately owned (in which case the profits would be split between private owners and local government services)?"

If the majority of votes cast in this question is "Publicly Owned," then the greyhound race track shall be owned and operated pursuant to Section 25 of this Act. If the majority of votes cast on this question is "Privately owned," then the greyhound race track shall be owned and operated pursuant to Sections 1 through 22 of this Act.

Section 25. (A) A Commission is hereby created to manage and operate greyhound operations and pari-mutuel gambling in Madison County. The name of such Commission shall be the Madison County Racing Commission hereinafter called "The Commission". The Commission shall be established, its membership elected, and its membership compensated as follows:

(I) The Commission shall be composed of five (5) natural persons and they shall be elected to Place No. 1, Place No. 2, Place No. 3, Place No. 4 and Place No. 5. Decisions of the Commission shall be by majority vote.

(II) The terms, election dates, qualified voters, district boundaries and related election matters of the Madison County Racing Commissioners shall correspond with that of the Madison County Commission. Each Commissioner's District shall correspond with the same numbered Madison County Commissioner district. Future changes in Madison County Commission election matters shall be equally applied to the election of Madison County Racing Commissioners.

(III) No Commissioner may serve more than two consecutive terms.

(IV) Each Commission shall be paid one thousand, five hundred (\$1,500) dollars per month and may seek reimbursement for reasonable and actual expenses incurred in the furtherance of Commissioner duties.

(V) Sections 1(D), (E), (I), (J) and (K) of this Act shall apply to elected Commissioners.

(B) It shall be the duty of the Commission to:

(I) Procure, without condemnation, the land for the greyhound race track location,

(II) Manage, operate and do all things incidental to the management and operation of the greyhound race track.

(III) Enter into contractual obligations for the construction, maintenance, management and operation of the greyhound race track.

(IV) Contract out none, any or all of the operational aspects of the greyhound race track.

(C) The Commission is expressly given the power and authority reasonably necessary for the fulfillment of its duties, the power to summon witnesses before its meetings, the power to administer oaths to such witnesses, and the power to require testimony on any issue before it. Subpoenas shall be issued as in civil cases by the Circuit Clerk of Madison County at the request of the Commission to compel the attendance of witnesses and the production of records. The Commission is further vested with full power and authority to regulate and control all activities involved in, related to and conducted at the greyhound racing track. Without limitation of the foregoing, the Commission shall have the following specific powers: (I) to regulate and control all pari-mutuel gambling activities, (II) to hire and fire all personnel, (III) to establish standards of conduct for all patrons admitted to the track facility, (IV) to prohibit, for such uniform reasons as the Commission may establish, any person from being admitted to the race track, (V) to direct for such uniform reasons as the Commission may establish, the removal of any person from the race track, (VI) to subcontract out any services, work or aspect of the management and operation of the race track. A minimum of four Commissioners must agree on any private entity chosen to oversee daily management or operations, and (VII) to create a security force as is necessary to enforce the rules and regulations of the Commission and enforce the laws of the State of Alabama. In and about the exercise of the powers hereby vested in it, the Commission shall adopt all reasonably necessary rules and regulations. Security officers so employed shall be charged with all duties and invested with all powers of peace officers, and may eject trespassers without a warrant, arrest any person guilty of disorderly conduct, trespass or for the violation of any law of the State of Alabama which shall occur on race track premises and be committed in their presence. Any person so arrested shall be carried before the nearest committing magistrate and charged upon affidavit with the offense committed. Said security officers shall not be considered peace officers for any purposes other than the execution of the provisions of this Act.

(D) The contributions to pari-mutuel pools from each Racing Program shall be distributed as follows: (1) eighteen percent (18%) shall be retained by the Commission and (2) eighty-two percent (82%) shall be divided among and redistributed to the contributors betting on the winning greyhound wagers. The amount of redistribution for each winning bet placed shall be determined by dividing the total amount remaining in the pool after the deductions hereinabove provided for by the number of bets placed on the winning greyhound. Each redistribution shall be made in a sum equal to the next lowest multiple of ten. The Commission is entitled to retain the odd cents of all redistributions to be known as the "breaks to a dime" and all monies represented by any unclaimed, uncashed or abandoned pari-mutuel tickets known as "outs" money. The Commission shall be permitted to provide separate pools for separate wagering systems as it deems appropriate. Each pool shall be redistributed separately as herein provided. Should there be no ticket on the winning greyhound, the pool in such race available for distribution to contributors will be divided among the holders of tickets on the greyhound running next in line until the pool has been redistributed to the contributors. The Commission shall be required to use computerized equipment to record the wagering and compute the odds. Rules and regulations governing the operation of each of the pools shall be set out in book form by the Commission and shall be made available to the public. The Commission may charge an admission fee for entrance to the race track in an amount it deems appropriate.

(E) Participation in ownership, and all rights and benefits which accrue

from ownership, shall be available at the option of all the separate county and municipal governments located in Madison County. The decision on whether to participate shall be made by each government's elected governing body or by a referendum of the residents of each government. Contributions to the cost of constructing and maintaining the race track must be made by each participating government based on the ratio each government's population bears to the total population of the participating governments. For the purposes of this Act, the population of Madison County outside the corporate limits of the municipalities' corporate limits shall represent the populations used by the Madison County Commission. The original cost of constructing and maintaining the race track shall be determined by the Commission, subject to the approval of all of the elected governing bodies of the participating governments.

(F) Monies held by the Commission after the payment of expenses shall be regularly distributed as follows:

(I) Fifty percent (50%) shall form an Education and Health Care Superfund. The Superfund shall be divided as follows:

(A) Fifty percent (50%) shall be distributed to the Madison County School System and the City of Huntsville School System on the same basis as funds received from the Minimum Program Fund are divided between the two systems; provided, however, that no school system of a non-participating government may share in the proceeds of this provision. Monies not spent under this provision shall be distributed under subsection (F)(II).

(B) Thirty-five percent (35%) shall be distributed among public institutions of higher education within Madison County with the exact distribution to be determined annually by an independent commission composed of an appointment by each Madison County legislator.

(C) Seven percent (7%) shall be paid to Huntsville Hospital.

(D) Three percent (3%) shall be paid to the University of Alabama-Huntsville Ambulatory Care Center.

(E) Five percent (5%) shall be paid into the general fund of the municipality within which the greyhound race track is located and, if the track is not located within a municipality, then to the Madison County Commission.

(II) Fifty percent (50%) shall be distributed to each participating government based on the percentage contribution each participating government made to the original cost of constructing and maintaining the race track.

(G) Participating governments may use any form of funding mechanism to pay their share of the original cost of constructing and maintaining the race track so long as the funding mechanisms chosen are not expressly prohibited by the Constitution of Alabama.

(H) Sections 3, 5, 6, 13, 14, 18, 20, 21, and 22 of this Act shall apply, by reference, to the provisions of Section 25.

(I) Should none of the governments in Madison County choose to participate in the ownership provisions of this section, then Sections 1 through 23 shall become effective.

(J) The greyhound race track cannot be constructed within the corporate limits of a municipality if the voters of the municipality have, by majority vote, voted no to the question in Section 23. The greyhound race track cannot be constructed within that part of Madison County outside of

the corporate limits of Madison County's municipalities if the voters within that area have, by majority vote, voted no to the question in Section 23.

AMENDMENT TABLED

On motion of Rep. Albright, the amendment #2 offered by Rep. Brooks to the bill, H. 87, was tabled.

Yeas 27; Nays 9.

Yeas:

Reps.: Albright, Black, Boles, Bryant, Bugg, Buskey (John), Clark (J), Coleman, Davis, Escott, Gaston, Grayson, Hall, Hettinger, Horn, Johnson (Roy), Kennedy, McDowell, Melton, Newman, Onderdonk, Perdue, Pratt, Rogers, Seibels, Spratt and Turner.

—27

Nays:

Reps.: Beers, Brooks, Butler, Gray, Hooper, Rains, Smith, Starr and White (G).

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #3 to the bill, H. 84:

Amend H Bill No. 87, Section 2, Page __, line __, by deleting: "forty-five (45) days following the appointment of the Commissioners. Its decision as to which applicants shall be granted a license shall be final and conclusive." and inserting in lieu thereof the following: "sixty (60) days following the appointment of the Commissioners. Its decision shall, for each disapproved license, state the defects causing disapproval and state what must be done to correct those defects. The applicant must then be given fourteen (14) days to correct these defects and resubmit his application. This resubmission must be approved or disapproved by the Commission within fourteen (14) days of its having been received. The Commission's approval or disapproval of applications is final and conclusive."

And amend Section 2, page __, line __, by adding thereto the following:

"(N) Each applicant who has satisfied the requirements of the foregoing paragraphs of this section and whose application has been approved by the Commission shall be permitted to bid, at public auction, for the privilege of receiving approval of its application. The Commission must approve the license application of the highest bidder. The auction shall occur no later than sixty (60) days and no sooner than thirty (30) days after the final approval or disapproval of all the applications. All monies received at this public auction, less expenses of conducting the auction, shall be distributed in accordance with Section 17 hereof."

AMENDMENT TABLED

On motion of Rep. Albright, the amendment #3 offered by Rep. Brooks to the bill, H. 87, was tabled.

Yeas 27; Nays 6.

Yeas:

Reps.: Albright, Black, Bryant, Bugg, Buskey (James), Buskey (John), Clark (J), Coleman, Davis, Escott, Gaston, Grayson, Hall, Horn, Johnson (Roy), Kennedy, McDowell, McMillan, McNair, Melton, Newman, Onderdonk, Perdue, Preuitt, Rogers, Siebels and Turner.

—27

Nays:

Reps.: Butler, Gray, Hettinger, Hooper, Rains and Smith.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #4 to the bill, H. 87:

Amend House Bill No. 87, Section 23, page ___, line ___, by adding after the phrase "in that municipality is "No" "the following" and except that no license shall be approved in that part of Madison County—outside of the corporate limits of Madison County's municipalities if the majority of the votes in that area is "No";."

AMENDMENT TABLED

On motion of Rep. Albright, the amendment #4 offered by Rep. Brooks to the bill, H. 87, was tabled.

Yeas 25; Nays 7.

Yeas:

Reps.: Albright, Boles, Bryant, Bugg, Buskey (James), Buskey (John), Clark (J), Coleman, Davis, Escott, Grayson, Hall, Horn, Johnson (Roy), McDowell, McNair, Melton, Newman, Onderdonk, Perdue, Pratt, Rogers, Seibels, Spratt and Turner.

—25

Nays:

Reps.: Brooks, Butler, Gaston, Gray, Hettinger, Poole and Rains.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #5 to the bill, H. 87:

Amend H Bill No. 87, Paragraph (H), page __, Line __, by adding thereto the following: "No application may be approved by the Commission if the application's proposed greyhound race track is located within one mile of any residential subdivision on file with the Probate Judges of Limestone, Madison or Jackson Counties at the time the application is filed with the Commission unless the applicant has received the written approval of every resident or landowner in the affected subdivision."

AMENDMENT TABLED

On motion of Rep. Albright, the amendment #5 offered by Rep. Brooks to the bill, H. 87, was tabled.

Yeas 28; Nays 8.

Yeas:

Reps.: Albright, Boles, Bryant, Bugg, Buskey (James), Buskey (John), Clark (J), Clark (W), Davis, Escott, Grayson, Hall, Hettinger, Horn, Johnson (Roy), Kennedy, McDowell, McNair, Melton, Newman, Perdue, Pratt, Preuitt, Rogers, Seibels, Spratt, Turner and White (L).

—28

Nays:

Reps.: Bachus, Beers, Box, Brooks, Gaston, Gray, Rains and White (G).

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #6 to the bill, H. 87:

Amend H Bill No. 87, Section 3, page __, Line __ by deleting Section 3 and substituting therefore the following:

"Section 3. The Commission and licensee shall keep and maintain all of the books, records, maps, documents and papers of the Commission and licensee, including those filed with them as well as those prepared by or for them, as public records which shall at all times be open for the personal inspection and copying (at a reasonable fee) of any officer of the State of Alabama, or of any county, municipality, or other subdivision of the State, or of any official investigative body or committee, or any member of the news media; and no person having charge or custody thereof shall refuse this right and it shall be the express duty of such person to assist in the locating of the records or information desired by those qualified to seek them."

AMENDMENT TABLED

On motion of Rep. Albright, the amendment #6 offered by Rep. Brooks to the bill, H. 87, was tabled.

Yeas 26; Nays 6.

Yeas:

Reps.: Albright, Boles, Bryant, Bugg, Buskey (James), Buskey (John), Clark (J), Clark (W), Coleman, Davis, Gaston, Grayson, Hall, Hettinger, Horn, Johnson (Roy), Kennedy, McNair, Newman, Onderdonk, Perdue, Preuitt, Seibels, Spratt, Turner and White (L).

—26

Nays:

Reps.: Box, Brooks, Butler, Gray, Rains and Smith.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #7 to the bill, H. 87:

Amend H Bill No. 87, Section 23, page __, line __, by deleting:

"Do you favor the creation of the Madison County Racing Commission to regulate licensing and supervision of greyhound racing and pari-mutuel wagering thereon as provided in Act No. __ approved __, 1984?" and inserting the following: "Do you want greyhound racing and legalized gambling, through pari-mutuel wagering, allowed in Madison County as provided in Act No. __, approved __, 1984?"

AMENDMENT TABLED

On motion of Rep. Albright, the amendment #7 offered by Rep. Brooks to the bill, H. 87, was tabled.

Yeas 29; Nays 10.

Yeas:

Reps.: Albright, Biddle, Boles, Bryant, Buskey (James), Buskey (John), Clark (J), Clark (W), Coleman, Davis, Gray, Grayson, Hettinger, Horn, Johnson (Roy), Kennedy, McDowell, McNair, Melton, Newman, Onderdonk, Perdue, Pratt, Rogers, Seibels, Spratt, Trammell, Turner and White (L).

—29

Nays:

Reps.: Box, Brooks, Butler, Gaston, Hall, Hooper, Kvalheim, Rains, Smith and Warren.

—10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #8 to the bill, H. 87:

Amend H. B. 87 on page 19, Section 23, line 14 by (striking) Section 23 and substituting therefor the following:

Section 23. The county governing bodies of Limestone County, Morgan County, Marshall County, Jackson County and Madison County shall call and provide for holding a referendum, for the purpose of determining if this Act shall become operative. The referendum shall be held at the next general election of this state which shall occur more than thirty (30) days after the effective date of this Act, and shall be advertised, held, conducted and the results thereof canvassed in the manner provided by law. The question to be voted on shall be stated on the ballots or voting machine tabs substantially as follows:

"Do you want greyhound racing and legalized gambling, through pari-mutuel wagering, allowed in Madison County as provided in Act No. — approved —, 1984.

If the majority of the votes cast in both the five aforementioned counties and Madison County is "Yes", greyhound racing shall be legal in Madison County and this Act shall become operative therein, except that no license shall be approved in a municipality if the majority of votes in that municipality is "No" and except that no license shall be approved in that part of Madison County outside of the corporate limits of Madison County's municipalities if the majority of votes in that area is "No"; if the majority of the votes cast in either Madison County or the five aforementioned counties is "No", this Act shall have no further effect. The results of the referendum shall be certified as otherwise provided by law.

AMENDMENT TABLED

On motion of Rep. Albright, the amendment #8 offered by Rep. Brooks to the bill, H. 87, was tabled.

Yeas 31; Nays 9.

Yeas:

Reps.: Albright, Biddle, Boles, Bryant, Burke, Buskey (James), Buskey (John), Clark (J), Clark (W), Davis, Escott, Gray, Grayson, Hall, Hettinger, Horn, Johnson (Roy), Kennedy, McNair, Melton, Newman, Onderdonk, Perdue, Pratt, Preuitt, Rogers, Seibels, Spratt, Trammell, Turner and White (L).

—31

Nays:

Reps.: Bachus, Box, Brooks, Butler, Gaston, Hooper, Poole, Rains and Richardson.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #9 to the bill, H. 87:

Amend H. B. 87 on page 16, Section 17, line() 28 by (striking) Section 17 and substituting therefore the following:

Section 17. The Commission shall pay, after the deduction of the expenses, the remaining funds to the public agencies designated herein on a quarterly basis as follows:

(A) Ninety percent (90%) for education in Madison County to be divided as follows:

(1) Fifty percent (50%) shall be distributed to the Madison County School System and the City of Huntsville School System on the same basis as funds received from the Minimum Program Fund are divided between the two systems.

(2) Forty percent (40%) shall be distributed among public institutions of higher education within Madison County with the exact distribution to be determined annually by an independent commission appointed by the Madison County Delegation.

(B) Ten percent (10%) shall be paid to the various law enforcement agencies in Madison County on a per officer pro-rated basis.

AMENDMENT TABLED

On motion of Rep. Albright, the amendment #9 offered by Rep. Brooks to the bill, H. 87, was tabled.

Yeas 33; Nays 8.

Yeas:

Reps.: Albright, Biddle, Boles, Bryant, Bugg, Buskey (James), Buskey (John), Clark (J), Clark (W), Coleman, Davis, Escott, Gaston, Gray, Grayson, Hall, Hettinger, Horn, Johnson (Roy), Kennedy, McDowell, McNair, Melton, Newman, Onderdonk, Perdue, Pratt, Preuit, Rogers, Seibels, Spratt, Turner and White (L).

—33

Nays:

Reps.: Box, Brooks, Butler, Hooper, Poole, Rains, Rice and Smith.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 87, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 32.

Yeas:

Reps.: Albright, Bowling, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carothers, Clark (W), Coleman, Davis, Escott, Gray, Grayson, Hall,

Hettinger, Horn, Kennedy, McMillan, Melton, Newman, Onderdonk, Perdue, Pratt, Preuitt, Reed, Rogers, Seibels, Spratt, Thomas, Trammell, Turner and White (L)

—33

Nays:

Mr. Speaker, Adams, Bachus, Blake, Blakeney, Box, Britnell, Brooks, Burke, Carter, Clark (J), Gaston, Grouby, Hammett, Harvey, Hooper, Johnson (Roy), Kvalheim, Lindsey, McKee, Mikell, Mitchell, Poole, Rains, Rice, Richardson, Smith, Starr, Turnham, Warren, White (F) and White (G).

—32

RESOLUTION

The following resolution was introduced:

By Reps. White (F) and Warren:

H. J. R. 94. COMMENDING MR. AND MRS. CHESTER TURNER OF POLLARD, ALABAMA, ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Sixtieth Wedding Anniversary on December 23, 1983, of Mr. and Mrs. Chester Turner of Pollard Alabama; and

WHEREAS, Chester Turner and his lovely bride, Miss Ethel Andrews, were united in marriage on December 23, 1923, and have remained in said holy state for the past 60 years; and

WHEREAS, they have lived their lives as one and, in devotion each to the other, have remained steadfastly faithful to their marriage vows, setting an enviable example for others; and

WHEREAS, Mr. and Mrs. turner, having lived previously in Peacock, Coxheath (now Sweetwater) and Fannie, Alabama, have been residents of Pollard since 1935; they are the parents of eight children — Lanace, Earl, Nell, Hollis, Elizabeth, Bobbie, Jewel; and Chester, Junior — all of whom were in attendance, along with more than one hundred well wishers, at a gala reception held in the couple's honor on January 1, 1984, in celebration of the joyous occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary Escambia County couple, Mr. and Mrs. Chester Turner, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Turner that they may know of our congratulations and sincere best wishes for every future happiness together.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 94, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Boles voting "Yea" on the passage of the bill, H. 87.

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Albright offered the motion to reconsider the vote by which the bill, H. 87, was passed, and to table his motion to reconsider the vote, and the motion to table was adopted.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Kvalheim and Gaston:

H. R. 95. COMMENDING MR. THOMAS A. (TOM) TAYLOR, III, NEW EXECUTIVE EDITOR OF THE MOBILE PRESS REGISTER.

Also:

By Reps. Kvalheim and Gaston:

H. R. 96. COMMENDING MR. FALLON TROTTER UPON HIS RETIREMENT AS EXECUTIVE EDITOR OF THE MOBILE PRESS REGISTER.

Also:

By Reps. Kvalheim and Gaston:

H. R. 97. COMMENDING MR. WILLIAM B. WELCH, PRESIDENT, 1984 MOBILE AREA CHAMBER OF COMMERCE.

Also:

By Rep. Kvalheim:

H. R. 98. MOURNING THE DEATH OF MR. JOSEPH H. HELMSING OF MOBILE, ALABAMA.

Also:

By Rep. Blakeney:

H. R. 99. EXTENDING HEARTIEST CONGRATULATIONS TO MRS. CHARLOTTE ELIZABETH HARPER PRITCHETT ON THE OCCASION OF HER 118th BIRTHDAY.

Also:

The following resolutions were introduced:

By Reps.: Adams, Albright, Bachus, Beers, Biddle, Browder, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Campbell, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren,

White (F), White (G), White (L) and Zoghby:

H. R. 100. REQUESTING PRESIDENTIAL CANDIDATE GERALD WILLIS TO ADDRESS THE HOUSE OF REPRESENTATIVES.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we herein extend a most cordial invitation to Presidential Candidate, Mr. Gerald Willis, to address the House of Representatives on Thursday, March 8, 1984, thirty minutes after convening.

BE IT FURTHER RESOLVED, That in hopeful anticipation of Mr. Willis' acceptance, we hereby direct the Clerk of the House to inform Mr. Willis, by copy of this resolution, of this invitation of the Alabama House of Representatives.

On motion of Rep. Browder, the rules were suspended and the resolution, H. R. 100, was adopted.

Also:

By Rep. Melton:

H. J. R. 101. RECOGNIZING MARCH 2, 1984, AS CENTRAL HIGH LADY FALCONS DAY.

WHEREAS, the Alabama Legislature notes with highest praise, the State girls basketball title captured by the Central High School Lady Falcons, 4-A Champions for 1983-84; and

WHEREAS, the Lady Falcons, also Region 8 champions, ended the season with an impressive overall 26-2 record following their defeat of McGill and Torles in the State tournament finals; and

WHEREAS, it is further to be noted that this is the second championship in the past three years for the Lady Falcon Cagers who also went all-the-way in 1981-82 to win the 4-A State Crown; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in commendation and with heartiest congratulations, we hereby recognize March 2, 1984, as Central High Lady Falcons Day.

BE IT FURTHER RESOLVED, That copies of this resolution so distinguishing said date, be forwarded to Central High School principals, Dr. Terrell Tinney and Dr. Oscar Tucker; to head coach Jim Holland and assistant coaches Garland Pounds and Wardell Davis, on behalf of the Lady Falcons; and to Dr. Thomas E. Ingram, superintendent of the Tuscaloosa City Schools.

On motion of Rep. Melton, the rules were suspended and the resolution, H. J. R. 101, was adopted.

Also:

By Rep. Black:

H. J. R. 102. COMMENDING COACH NELSON R. HUGHES OF SUMTER COUNTY, LIVINGSTON HIGH SCHOOL.

WHEREAS, it is with utmost commendation that the Legislature of Alabama notes the remarkable career record of Coach Nelson Hughes, current Head Basketball Coach of Livingston High School in Sumter County;

and

WHEREAS, during Coach Hughes' outstanding career which spans some 26 years — 14 at Livingston High School. He holds title to an enviable record of 549 victories with only one losing season during this quarter century time frame; and

WHEREAS, Coach Hughes has directed his Cougars' teams to the State playoffs on eight occasions with some of those teams advancing to the semi-finals; he also has had several county championship teams as well as ten area championships to his credit; and

WHEREAS, Coach Hughes was granted special recognition by the State Athletic Association and many other groups, local, area and regional in 1982 after his 500 wins; and

WHEREAS, Coach Hughes and the Livingston High Cougars won the Class III-A Area 5 playoffs by a score of 98 to 72 and made an impressive showing in the region 3 playoffs February 25, 1984; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Coach Nelson Hughes of Livingston High School, Sumter County, on his outstandingly successful career as a high school basketball coach.

BE IT FURTHER RESOLVED, That Coach Hughes be presented with a copy of this resolution, tendered in sincere warm praise and regard.

On motion of Rep. Black, the rules were suspended and the resolution, H. J. R. 102, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Coleman and Rains:

H. R. 103. COMMENDING 3-A FOOTBALL ALL-STATE STAR, LENNY VANZANDT OF BROWN'S VALLEY, ALABAMA.

Also:

By Reps. Lindsey, Burke and Rains:

H. R. 104. COMMENDING COLLINSVILLE COACH L. D. DOBBINS ON HIS 400TH CAREER BASKETBALL VICTORY.

Also:

The following resolutions were introduced:

By Reps. Lindsey and Rains:

H. J. R. 105. NAMING THE COLLINSVILLE NATIONAL GUARD ARMORY, THE "SAMUEL CURTIS JONES ARMORY."

WHEREAS, a native and lifelong resident of Collinsville, Alabama, Samuel Curtis Jones died November 16, 1964; he and his wife, Mrs. Lucille Davis Jones, were the parents of five children and the loving grandparents of 12, one of whom is Miss Pam Battles currently serving as Miss Alabama; and

WHEREAS, Mr. Jones was a graduate of Collinsville High School and Auburn University; he was a farmer and also had worked with the Farm

Security Administration and as county supervisor with the DeKalb County Veterans Training Programs; and

WHEREAS, inducted into the United States Army at Fort Knox, Kentucky, Mr. Jones served his country with distinction from January 24, 1942 until his discharge, with the rank of Captain, on January 9, 1946; his decorations included the Purple Heart and the European-African-Middle Eastern Service Medal with three Bronze Stars; and

WHEREAS, Mr. Samuel Curtis Jones also helped organize the Army National Guard unit at Collinsville, Alabama, and served as the unit's first commander; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in memory and honor of the late Samuel Curtis Jones, a distinguished Alabamian and American patriot, we hereby name and designate the National Guard armory at Collinsville, Alabama, the "Samuel Curtis Jones Armory."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said armory as the "Samuel Curtis Jones Armory."

RESOLVED FURTHER, That Mr. Jones' family receive a copy of this resolution as a memento of this commemorative designation of the Alabama Legislature.

On motion of Rep. Lindsey, the rules were suspended and the resolution, H. J. R. 105, was adopted.

Also:

By Reps. Kvalheim, Gaston and Hooper:

H. J. R. 106. INVITING PRESIDENT RONALD REAGAN AS A PRESIDENTIAL CANDIDATE TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to President Ronald Reagan, as a presidential candidate, to address the Alabama Legislature at his earliest convenience, on which date and at a time to be set, the Legislature shall convene in joint session to hear President Reagan's remarks.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to forward a copy of this resolution to President Reagan in invitation to address the Legislature and in hopeful anticipation of his acceptance.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 106, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Butler:

H. R. 107. HONORING, POSTHUMOUSLY, MR. WALTER W. DULANEY OF MADISON COUNTY, ALABAMA.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Tanner (With Notice and Proof):

H. 492. Relating to the City of Pelham, a municipal corporation; and create a Pelham Municipal Racing Commission for the regulation, licensing, qualification for licensing, and supervision of Greyhound Racing, and wagering thereon; to prescribe the composition, qualification, appointment, terms of office; powers and duties of the commission; to prescribe certain qualifications for applicants for licenses; to provide for and regulate the pari-mutuels or certificate method of wagering within the enclosure of licensed rate tracks; to provide for the distribution of license fees, taxes, commissions and other moneys received under the provisions of the Act; and to provide certain penalties for the violation of this Act and for other purposes relative thereto, and to provide for a referendum of the voters of the City of Pelham on the question of whether the Act will become effective in said municipality; to authorize the employment by said Racing Commission of special legal counsel in addition to representation by the office of the city attorney of said city; to prohibit members of said Racing Commission from making political contributions; to provide for the severability of the parts, sections and provisions of said Act.

Committee on Ways and Means.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 492, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Tanner:

H. 493. To prohibit for a period of three (3) years from the enactment hereof all legalized pari-mutuel or other forms of gambling in this state, to create a commission to comprehensively study all impacts of the pending legislation relating to gambling, to provide for the duration, composition, meetings, office space, compensation and reporting of said committee.

Committee on State Administration.

By Reps. Rice, Pratt, Turnham, and Starr:

H. 494. To establish and create a licensing board to be known as the Alabama board of electrical contractors for the purpose of testing and licensing electrical contractors; to provide for the appointment of such members and of members of an appeal board; to authorize such board to carry out the purpose of this act; to appropriate funds for such board and to prescribe penalty for violation of this act.

Committee on Ways and Means.

By Reps. Trammell, Boles, Poole, Moore, Mitchell, and Biddle:

H. 495. To amend Section 32-8-86, Code of Alabama 1975, relating to the removal or falsification of an identification number, registration or license date of a vehicle or an engine, so as to include other parts of a vehicle and to provide for the forfeiture and condemnation of any item seized pur-

suant to this section.

Committee on Judiciary.

By Rep. Dutton (With Notice and Proof):

H. 496. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Lawrence County and to provide for the use of such fees.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 496, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Dutton:

H. 497. To require all interstate natural gas pumping stations to maintain personnel to warn the public of the development of any dangerous situation involving the facility and to provide criminal penalties for violating the provisions of this act.

Committee on Public Utilities and
Transportation.

By Reps. McDowell, Gray, Boles, Spratt, White (G), Beers, Siebels, Bachus, McNair, Davis, Pratt, Escott, and Rogers (With Notice and Proof):

H. 498. Relating to Jefferson County; providing for the salary of the Assistant Tax Collector payable from the County General Fund.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 498, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. White (L):

H. 499. To amend Sections 14-8-30, 14-8-31, 14-8-32, 14-8-33, 14-8-34, 14-8-35, 14-8-36, 14-8-37, 14-8-38, 14-8-39, 14-8-40, 14-8-41, 14-8-42 and 14-8-44 of the Code of Alabama 1975, relating to work release for certain inmates in county custody so as to provide for municipal, county and state inmates in county or municipal custody.

Committee on Local Government.

By Rep. Mitchell:

H. 500. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges; providing penalties for violations of the act; and repealing and superseding Sections 34-5-1 through 34-5-16, Code of Alabama 1975.

Committee on State Administration.

By Reps. Blakeney, Faulk, and Onderdonk:

H. 501. To provide that certain war veterans shall be entitled to a

distinctive auto license plate; to provide for the distribution of said tag; and to provide that said tag shall be issued free of all fees and taxes.

Committee on Ways and Means.

By Reps. White (L), Mikell, Butler and Johnson (R.G.):

H. 502. To amend the Code of Alabama 1975, Section 34-23-94, relating to regulating appeals from decisions of the Alabama State Board of Pharmacy, so as to delete the requirement for de novo appeals and to substitute therefor appeals on the record in accordance with the Alabama Administrative Procedure Act.

Committee on Judiciary.

By Reps. Boles, McDowell, Trammell, Gray, Spratt, and Pratt. (With Notice and Proof):

H. 503. To provide a supplemental salary for the elected deputy circuit clerk serving the Bessemer Cut-Off Division of the Tenth Judicial Circuit.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 503, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Bowling:

H. 504. To prohibit expansion of egg production in this state by certain corporations with certain exceptions; to prescribe comprehensive procedures and restrictions relating to enforcement of such prohibition; to prescribe criminal penalties for violations; and to provide certain powers and duties for the commissioner of agriculture and the attorney general.

Committee on Agriculture and
Forestry.

By Reps. Kvalheim and Gaston:

H. 505. To provide that the sale or possession of a throwing star shall be a criminal offense; and to provide for penalties for violations.

Committee on Judiciary.

By Rep. Pratt:

H. 506. To require all local boards of education to pay teachers a lump sum for their accumulated sick leave upon termination.

Committee on Ways and Means.

By Reps. Pratt, Trammell, Boles, Perdue, Escott, Horn, Davis, Spratt, Rogers, Gray, Biddle, McDowell, McNair, and Beers (With Notice and Proof):

H. 507. To provide a supplemental salary for the Circuit Clerk serving the Tenth Judicial Circuit.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 507, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. McDowell, Gray, Boles, Spratt, White (G), Beers, Seibels, Bachus, McNair, Davis, Pratt, Escott, and Rogers (With Notice and Proof):

H. 508. Relating to Jefferson County; providing for the salary of the Assistant Tax Assessor payable from the County General Fund.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 508, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. McDowell, Spratt, White (G), Beers, Seibels, McNair, Davis, Pratt, Escott, Rogers, and Boles (With Notice and Proof):

H. 509. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Assessor payable from the County General Fund and for an expiration date.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 509, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. McDowell, Spratt, White (G), Beers, Seibels, McNair, Davis, Pratt, Escott, Rogers, and Boles (With Notice and Proof):

H. 510. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Collector payable from the County General Fund and for an expiration date.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 510, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Harvey (With Notice and Proof):

H. 511. To alter Blount County Commission Districts One and Two by transferring Beat 39 from District One to District Two.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 511, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Bowling, Blake, Richardson, White (F), Rice, Grouby, McKee, Warren, Melton, Kennedy, Pratt, and Rogers:

H. 512. To amend Section 36-21-9, Code of Alabama 1975, so as to provide further for the issuance of authorization for certain honorably retired law enforcement officers to carry handguns.

Committee on Judiciary.

By Reps. Seibels, Gray, White (G), Davis, Perdue, Rogers, Reed, Nicholson, and McDowell:

H. 513. To exempt the Alabama Kidney Foundation, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Biddle and Trammell:

H. 514. To amend the Alabama Uniform Certificate of Title and Antitheft Act by repealing Sec. 32-8-48 Code of Alabama 1975, and by amending Sec. 32-8-87 Code of Alabama 1975, to include certain requirements set forth in Sec. 32-8-48 repealed herein, to remove the requirement of surrendering the vehicle identification number plate in certain instances, to provide for the issuance of a salvage certificate of title and the assignment of same, to exempt insurance companies from titling motor vehicles in the name of the company in certain instances, to redefine total loss motor vehicles for clarity and to require certain other documents or items to be surrendered to the Department of Revenue in certain instances.

Committee on Judiciary.

By Reps. Biddle and Trammell:

H. 515. To amend Section 32-8-86, Code of Alabama 1975, relating to the removal or falsification of an identification number, registration or license plate of a vehicle or an engine, so as to provide for the forfeiture and condemnation of any item seized pursuant to this section.

Committee on Judiciary.

By Reps. Kennedy, Butler, Cosby, Warren, White (F), Thomas, Zoghby, Moore, Harper, Gaston, Davis, Escott, Perdue, McDowell, Nicholson, Lauderdale, Newman, Poole, Junkins, Pratt, Brakefield, Holmes, Hettinger, Grayson, Martin, Ford, Rogers, Mitchell, Bowling, Trammell, Tanner, Melton, Reed, Seibels, Bugg, Clark (W), Buskey (James), Buskey (John), Kvalheim, Spratt, Horn, McNair, Box, Preuitt, Grimsley, Hammett, Campbell, Bryant, Mathis, Turner, Penry, Onderdonk, McMillan, Blake, Grouby, Hall, Smith, Coleman, Laird, Black, McKee, Albright, Brooks, White (L), Faulk, Rice, Boles, and Blakeney:

H. 516. To provide individual taxpayers with a deduction for state income tax purposes for certain child day-care expenses identical to the credit against federal income taxes for such expenses provided by 26 USCA 44A, as amended from time to time.

Committee on Ways and Means.

By Rep. Campbell:

H. 517. To create and establish the Legislative Information Office; to provide for the supervision and funding of said office by the Legislative

Council; to prescribe the duties, powers and functions of the Legislative Information Office; to provide for the appointment and compensation of a Director and other employees of the Legislative Information Office; and to prescribe the duties, powers and functions of said Director.

Committee on Ways and Means.

By Reps. Smith and Mitchell:

H. 518. To require certain minimum deposits into a trust fund of proceeds from sales of grave space in an endowment or perpetual care cemetery; to require a minimum deposit into an irrevocable trust fund by any person establishing endowment or perpetual care cemeteries after the effective date of this Act; to provide for certain contractual provisions; to provide for the supervision and control of such trust funds; to provide for penalties for violation; to provide for enforcement and supervision by the Attorney General and district attorneys of the several judicial circuits; to provide for the recording of certain reports in the several probate courts; to provide for licenses to be obtained from the probate judge; and for related purposes.

Committee on State Administration.

By Reps. Poole, Smith, and Mitchell:

H. 519. To provide that full-time employees and executive officers of the Alabama Retired Teachers Association may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

Committee on Ways and Means.

By Rep. Rains:

H. 520. To provide for participation in the Teachers' Retirement System by blind vendors associated with the Business Enterprise for the Blind administered by the Division of Rehabilitation and Crippled Children Service of the State Department of Education; and to authorize annual appropriations to the Division of Rehabilitation and Crippled Children Service in amounts sufficient to carry out the provisions of this act.

Committee on Ways and Means.

By Rep. Butler:

H. 521. To amend Section 13A-11-60, Code of Alabama 1975, relating to the possession of brass or steel teflon-coated handgun ammunition, so as to provide further therefor, and to include any bullet which penetrates 18 layers of Kevlar; and to provide criminal felony penalties for the manufacture, sale, importation, possession and use of such ammunition.

Committee on Judiciary.

By Rep. Butler:

H. 522. To prescribe procedures for an individual taxpayer to designate a contribution for indigent health care on the taxpayer's individual or joint income tax return.

Committee on Ways and Means.

By Rep. Butler:

H. 523. To amend Section 6-5-332, Code of Alabama 1975, which exempts certain persons who render emergency assistance from civil liability, so as to include persons holding current valid cardiopulmonary resuscitation certificates.

Committee on Judiciary.

By Reps. Gray, Boles, and Trammell:

H. 524. To cancel and abolish certain exemptions from state sales and use taxes now provided for in Section 11-58-14 and Articles 1 and 2 of Chapter 23, Title 40 of the Code of Alabama 1975 and to provide that all revenue generated from the cancellation of such exemptions shall accrue to the state general fund.

Committee on Ways and Means.

By Reps. Gray, Boles, Johnson (Roy), and Trammell:

H. 525. To require the Medicaid Agency of the State of Alabama to establish a procedure for the use of generic drugs in prescriptions which are to be paid by Medicaid.

Committee on Health.

By Rep. Campbell:

H. 526. To amend Sections 36-28-1, 36-28-3, 36-28-4, 36-28-5, 36-28-6, 36-28-7, 36-28-8, 36-28-9 and 36-28-10 of the Code of Alabama 1975, which provide for a state social security agency, so as to provide further for a state office of social security under the state comptroller and to provide for certain penalties to be assessed on certain delinquent social security accounts processed by such state office.

Committee on State Administration.

By Reps. Seibels, Gray, Trammell, Horn, and Beers:

H. 527. To amend Section 3-1-29 of the Code of Alabama 1975, which section prohibits certain activities relating to fighting of dogs, so as to provide further for procedures relating to such prohibited activities.

Committee on Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same set forthwith to the House without engrossment:

By Senator Holmes:

S. 17. To amend Section 25-10-6, Code of Alabama 1975, which provides for the membership on the small business assistance advisory council, so as to increase legislative members on the council.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate

Standing Committee as follows:

S. 17. Small Business.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard:

S. 306. Relating to Civil War History; creating a state commission known as the Alabama Institute of Civil War History to be located in Birmingham; providing for a Board of Trustees; and prescribing the method of appointment, its duties and authorities, and providing for employees.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 306. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Covington:

S. 158. To exempt electric cooperatives and electric membership corporations organized under Chapters 6 and 7 of Title 37 of the Code of Alabama of 1975, as amended, from the provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Sections 35-12-20 through 35-12-48, Code of Alabama of 1975, as amended, to establish an effective date of January 1, 1983, to repeal laws inconsistent therewith and to provide that the provisions of the Act are severable and that if any provision is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Also:

By Senator Ellis:

S. 175. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

Also:

By Senator Parsons:

S. 202. To authorize the Public Service Commission to grant intra-state charter rights to any common carrier of passengers by motor vehicle regardless if such common carrier holds and operates regular route

authority.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 158. Ways and Means.
- S. 175. Local Government.
- S. 202. Public Utilities and Transportation.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Parsons (With Notice and Proof):

S. 237. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Assessor payable from the County General Fund and for an expiration date.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 237, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Parsons (With Notice and Proof):

S. 239. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Collector payable from the County General Fund and for an expiration date.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 239, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Parsons (With Notice and Proof):

S. 236. Relating to Jefferson County; providing for the salary of the Assistant Tax Assessor payable from the County General Fund.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 236, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Parsons (With Notice and Proof):

S. 234. Relating to Jefferson County; providing for the salary of the Assistant Tax Collector payable from the County General Fund.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 234, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 237. Local Legislation No. 2.

S. 239. Local Legislation No. 2.

S. 236. Local Legislation No. 2.

S. 234. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Teague:

S. 11. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1984.

Also:

By Senators Bedsole, Barron, Amari, and Corbett:

S. 129. To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar titles; and to prescribe penalties for violations of this Act.

Also:

By Senator Bailey:

S. 201. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of soybeans and soybean products; to amend Section 2-8-89 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of soybeans shall not exceed two cents per net bushel after deductions for foreign material on any soybeans sold by producers.

**REGULAR SESSION
8th Day**

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Also:

By Senator Little:

S. 287. To amend Section 36-17-16 of the Code of Alabama 1975 so as to further provide for the destruction of cancelled state warrants.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 11. Ways and Means.
- S. 129. Health.
- S. 201. Agriculture and Forestry.
- S. 287. State Administration.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution and House Bill herein-after mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:15 A.M. on March 1, 1984.

H. 130

H. J. R. 60

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 93, heretofore adopted, the House adjourned until 3:00 o'clock p.m., Wednesday, March 7, 1984.

NINTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, March 7, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Gary Alan Enfinger, Pastor, Thomasville Baptist Church, Thomasville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Johnson, Roy, the rules were suspended and the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Horn, leave of absence was granted for Rep. Spratt.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Denton:

S. J. R. 73. REQUESTING PRESIDENTIAL CANDIDATE WALTER MONDALE TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to Presidential Candidate, Mr. Walter Mondale, to address the Alabama Legislature on Wednesday, March 7, 1984, and that the Legislature convene in joint session at 3:15 p.m. on said date to hear Mr. Mondale's remarks.

BE IT FURTHER RESOLVED, That in hopeful anticipation of Mr. Mondale's acceptance, we hereby direct the Secretary of the Senate to inform Mr. Mondale, by copy of this resolution, of this invitation of the Legislature.

MCDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 73, set out in the above and foregoing Message from the Senate.

JOINT SESSION

The hour of 3:15 o'clock p.m. having arrived and pursuant to the resolution, S. J. R. 73, heretofore adopted, the Senate and the House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives for the purpose of hearing an address by Presidential Candidate, Mr. Walter Mondale.

The joint session was called to order by Honorable William Baxley, Lieutenant Governor and Presiding Officer of the Senate.

Mr. Mondale was escorted to the Chair and delivered his address to the Legislature of Alabama.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 316. To establish the Alabama Racing Commission for the regulation and supervision of dog and horse racing and pari-mutuel wagering thereon; to provide for the composition, powers and duties of the Alabama Racing Commission; to impose a privilege tax and to provide for the collection of the same under the provisions of this act; to provide a five-year exemption from the provisions of this act for existing racing facilities and for racing facilities hereafter established; to repeal other laws; to impose the state sales and use tax at all racing facilities in Alabama.

JIMMY CLARK,
Chairman.

And the bill, H. 316 as engrossed, was sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said com-

mittee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 13. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in the City of Birmingham; to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in Birmingham; to provide for a referendum of the voters of the county on the question of whether this Act will become effective in the county; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in Birmingham; to provide for the designation or appointment and the terms of office of the members and officers of the commission; to provide for and authorize the incorporation of the commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of the commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by the commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by the commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by the racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by the racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of a license fee for pari-mutuel wagering by each licensed operator to the racing commission licensing such operator and to specify the method for determining the amount of any such fee; to provide that the racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent Act of the Legislature; to authorize the racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by the racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any the racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of the commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by the racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize the racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that the provisions of this Act shall be severable; to provide that

this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and parimutuel wagering thereon in the City of Birmingham.

JIMMY CLARK,
Chairman.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 13, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

And the bill, H. 13 as engrossed, was sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 248. Relating to Cullman County; to amend the title and Section 1 of Act No. 515, S. 755, 1977 Regular Session (Acts 1977, p. 681), which deals with "flea" markets operating on Sunday, so as to provide for nurseries and other businesses to operate on Sundays during certain business hours and providing that the provision of subsection (c) of Section 1 of this Act relating to businesses other than nurseries shall not become effective until approved at a referendum election held for such purpose.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Resolution:

S. J. R. 51. INVITING PRESIDENTIAL CANDIDATE JOHN GLENN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 108. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That beginning Wednesday, March 7, 1984, immediately upon adoption of this Resolution and continuing on subsequent days, the following bills be made the special, paramount and continuing order of business, taking precedence over any other business of the House until such time as said bills are disposed of:

<u>Bill No.</u>	<u>Sponsor</u>	<u>Title</u>	<u>Page</u>
H. B. 454 (w/substitute)	Johnson, Roy	Sales Tax payment schedule	87

All uncontested local bills

On motion of Rep. Clark (J), the resolution, H. R. 108, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 454. (With Substitute): To amend § 40-23-7, Code of Alabama 1975, so as to revise the payment schedule to require that payers of large State sales tax liabilities will pay on an estimate basis during the period in which the tax liability accrues and to provide for distribution of the revenues.

Was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the substitute reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

To amend § 40-23-7, Code of Alabama 1975, so as to revise the payment schedule to require that payers of large State sales tax liabilities will pay on an estimate basis during the period in which the tax liability accrues and to provide for distribution of the revenues.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-7, Code of Alabama 1975, is hereby amended as follows:

"The taxes levied under the provisions of this division, except as otherwise provided, shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues.

On or before the twentieth of each month, every person on whom the taxes levied by this division are imposed shall render to the department of revenue, on a form prescribed by the department, a true and correct statement showing the gross sales, the gross proceeds of sales or gross receipts of his business, as the case may be, for the next preceding month; the amount of gross proceeds or gross receipts which are not subject to the tax, or are not to be used as a measurement of the taxes due by such person, and the nature thereof; together with such other information as the department may demand and require. At the time of making such monthly report such person shall compute the taxes due and shall pay to the department of revenue the amount of taxes shown to be due.

Any taxpayer liable for taxes under the provisions of this division whose average monthly state sales tax liability was \$1,000.00 or greater during the preceding calendar year shall make estimated payments to the de-

partment of revenue on or before the 20th day of the month in which the liability occurs as follows:

(a) The amount of the first estimated payment shall be sixty-six and two-thirds percent (66 $\frac{2}{3}$ %) of the taxpayer's actual tax liability for the month October 1983; thereafter the amounts of the payment shall be the lesser of sixty-six and two-thirds percent (66 $\frac{2}{3}$ %) of the taxpayer's actual tax liability for the same calendar month of the preceding year or sixty-six and two-thirds percent (66 $\frac{2}{3}$ %) of the current month's estimated liability.

(b) Any outstanding credit or deficit arising from the taxpayer's overpayment or underpayment of his final liability shall be applied to either increase or reduce, as the case may be, that month's final tax liability which shall be reported and paid not later than the twentieth of the month next succeeding the month in which the tax accrues.

(c) The revenues derived from the first month of receipts of the estimated payments made under the provisions of this section shall be deposited to the credit of the State General Fund and for all succeeding months the revenues shall be deposited in accordance with § 40-23-35, Code of Alabama 1975.

(d) The provisions of this section shall not apply to the provisions of §§ 11-51-180, 11-51-200, and 40-12-4, Code of Alabama 1975.

When the total tax for which any person liable under this division does not exceed \$10.00 for any month, a quarterly return and remittance in lieu of the monthly returns may be made on or before the twentieth day of the month next succeeding the end of the quarter for which the tax is due when specially authorized by the department of revenue, and under such rules and regulations as may be prescribed.

The department of revenue, for good cause, may extend the time for making any return required under the provisions of this division, but the time for filing any such return shall not be extended for a period greater than 30 days from the date such return is due to be made."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration does not affect the part which remains.

Section 3. This Act shall become effective on October 1, 1984.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 62; Nays 1.

Yeas:

Mr. Speaker, Adams, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Flowers, Ford, Fuller, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Martin, Mathis, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

Nay:

Rep. Mikell.

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AMENDMENT OFFERED

Rep. Rice offered the following amendment to the bill, H. 454 as amended:

Amend H. B. 454 on page 2, Section 2(c), line 29 by (striking) after the word state the word general and add the following: Special Education Trust Fund.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Rice to the bill, H. 454 as amended, was tabled.

Yeas 81; Nays 6.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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Nays:

Reps.: Gaston, Harper, Johnson (R.G.), Kvalheim, Rice and Turnham.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 40. COMMENDING THE COLLINSVILLE PANTHERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

S. J. R. 41. COMMENDING MAJOR BOB R. MILNER FOR MERITORIOUS SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

S. J. R. 42. COMMENDING THE UNIVERSITY OF ALABAMA'S NATIONAL CHAMPIONSHIP CHEERLEADERS.

Also:

S. J. R. 43. MEMORIALIZING THE PRESIDENT AND CON-

GRESS OF THE UNITED STATES TO IMMEDIATELY APPOINT A SPECIAL PANEL, TASK FORCE OR COMMISSION TO STUDY THE ENTIRE JUDICIAL SYSTEM OF THE UNITED STATES.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolution, your signature thereto is requested:

S. 22. To amend the "Hazardous Waste Management Act of 1978," as amended, specifically amending Sections 22-30-3, 22-30-12, 22-30-13, 22-30-15, 22-30-16, 22-30-17, 22-30-18, 22-30-19 and 22-30-21, Code of Alabama 1975, so as to clarify the definition of disposal and add a definition of transporter; ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval; more fully define the responsible party for permit issuance; require that out-of-state shipments of hazardous waste be transported to and disposed of at only those facilities which have been approved by the United States Environmental Protection Agency (EPA) or a state pursuant to a hazardous waste management program approved by EPA; clarify the Alabama program's authority to promulgate transporter regulations to protect human health and the environment; clarify the application of trade secret protection; clarify and enlarge the penalties section by amending the civil monetary penalties section, eliminating duplicate criminal liability provisions and clarifying the state's authority to require correction of violations; provide that the 90-day exemption relating to the storage of hazardous waste applies only to on-site storage by the generators of such waste; provides for further regulation of certain transporters; and allow the substitution of proper shipping papers for the manifest for certain transporters.

Also:

S. 248. Relating to Cullman County; to amend the title and Section 1 of Act No. 515, S. 755, 1977 Regular Session (Acts 1977, p. 681), which deals with "flea" markets operating on Sunday, so as to provide for nurseries and other businesses to operate on Sundays during certain business hours and providing that the provision of subsection (c) of Section 1 of this Act relating to businesses other than nurseries shall not become effective until approved at a referendum election held for such purpose.

Also:

S. J. R. 51. INVITING PRESIDENTIAL CANDIDATE JOHN

GLENN TO ADDRESS A JOINT SESSION OF THE ALABAMA
LEGISLATURE.MCDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

H. 454 RESUMED

And the bill, H. 454 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 13.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Melton, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed, Richardson, Rogers, Sasser, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), and Zoghby.

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Nays:

Reps.: Brooks, Gaston, Harper, Johnson (R.G.), Kvalheim, Laird, McKee, Mikell, Mitchell, Moore, Payne, Rice and White (G).

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LEAVE OF ABSENCE

At the request of Rep. Johnson (Roy), leave of absence was granted for Rep. Smith.

And the bill:

H. 76. (With Amendment): To promote the maintenance of Tuscaloosa County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Tuscaloosa County of information pertaining to laws relative to littering and penalties therefore; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Tuscaloosa County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Tuscaloosa County, an agency and person empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Tuscaloosa County; to grant authority to the Tuscaloosa

County, and to provide for a means to plea to the public to heed such laws and to help eliminate littering such county.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 76, Page 2, Section 1, Line 33, after the words "county for" by inserting the word not

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Beers, Biddle, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (G), White (L), and Zoghby.

—68

And the bill, H. 76, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L), and Zoghby.

—76

And the bill:

H. 387. Relating to Marion County, to provide further for the compensation of the coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Escott, Faulk, Flowers, Ford,

Fuller, Gaston, Goodwin, Grimsley, Hammett, Harvey, Hettinger, Holmes, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, McKee, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), and Zoghby.

—68

And the bill:

H. 458. Relating to Sumter County; to repeal Act No. 83-66, H. 21, 1983 First Special Session, approved February 2, 1983, relating to employment by the sheriff of deputies sheriff and a secretary.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Cosby, Crow, Davis, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Kennedy, Kvalheim, Lauderdale, McKee, Melton, Mikell, Moore, Newman, Parker, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Starkey, Tanner, Thomas, Turnham, Venable, White (G), White (L), and Zoghby.

—59

And the bill:

H. 491. Relating to procedures for selling and redeeming lands for taxes in Lauderdale County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Cosby, Crow, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, Martin, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L), and Zoghby.

—69

And the bill:

S. 218. Relating to Cleburne County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolish-

ing the offices of tax assessor and tax collector, repealing conflicting laws; and providing for a referendum thereon.

Was read a third time at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Rogers, Seibels, Starkey, Tanner, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L), and Zoghby.

—69

And the bill:

H. 434. (With Substitute): Relating to Montgomery County; to redi-
vide said county into districts for the purpose of electing the county
commission.

Was taken up.

The question was then on the adoption of the substitute reported by
the Standing Committee on Local Legislation No. 4, said committee substi-
tute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Montgomery County; to redi-
vide said county into districts
for the purpose of electing the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of electing members of the county commis-
sion, Montgomery County is hereby divided into five districts numbered 1,
2, 3, 4 and 5. The five districts shall be described as follows:

COMMISSIONER DISTRICT 1

Beginning at the intersection of the Eastern Bypass and Interstate
Highway 85; thence southwesterly along the centerline of the Eastern By-
pass to its intersection with the centerline of Alabama Highway 110
(Vaughn Road); thence easterly along the centerline of Alabama Highway
110 to its intersection with the centerline of Bell Road; thence southwesterly
along the centerline of Bell Road to its intersection with the centerline
of the Central of Georgia Railroad; thence northwesterly along the center-
line of the Central of Georgia Railroad to its intersection with the centerline
of the Eastern Bypass; thence southwesterly along the centerline of the
Eastern Bypass to its intersection with the centerline of U.S. Highway 231
South; thence southeasterly along the centerline of U.S. 231 South to its
intersection with the centerline of Whites Slough; thence meander south-
westerly along the centerline of Whites Slough to its intersection with the
centerline of Virginia Loop Road; thence south along the centerline of Vir-
ginia Loop Road to its intersection with the centerline of Woodley Road;

thence northwesterly along the centerline of Woodley Road to its intersection with the centerline of the South Boulevard; thence west along the centerline of the South Boulevard to its intersection with the centerline of Norman Bridge Road; thence north along the centerline of Norman Bridge Road to its intersection with the centerline of Davis Drive; thence southwesterly along the centerline of Davis Drive to its intersection with the centerline of Woodland Drive; thence westerly along the centerline of Woodland Drive to its intersection with the centerline of Court Street; thence north along the centerline of Court Street to its intersection with the centerline of Southmont Drive; thence meander northerly along the centerline of Southmont Drive to its intersection with the centerline of Delano Avenue; thence west along the centerline of Delano Avenue to its intersection with the centerline of South Perry Street; thence north along the centerline of South Perry Street to its intersection with the centerline of Clanton Avenue; thence east along the centerline of Clanton Avenue to its intersection with the centerline of Norman Bridge Road; thence south along the centerline of Norman Bridge Road to its intersection with the centerline of Felder Avenue; thence easterly along the centerline of Felder Avenue to its intersection with the centerline of Girard Street; thence north along the centerline of Girard Street to its intersection with the centerline of Belmont Street; thence southeasterly along the centerline of Belmont Street to its intersection with the centerline of Felder Terrace; thence southerly along the centerline of Felder Terrace to its intersection with the centerline of Felder Avenue; thence easterly along the centerline of Felder Avenue to its intersection with the centerline of Carter Hill Road; thence southeasterly along the centerline of Carter Hill Road to its intersection with the centerline of Mulberry Street; thence north along the centerline of Mulberry Street to its intersection with the centerline of Interstate Highway 85; thence east along the centerline of Interstate Highway 85 to its intersection with the centerline of the Central of Georgia Railroad; thence northwesterly along the centerline of the Central of Georgia Railroad to its intersection with the centerline of Mt. Meigs Road; thence northeasterly along the centerline of Mt. Meigs Road to its intersection with the centerline of Panama Street; thence south along the centerline of Panama Street to its intersection with the centerline of Thrasher Street; thence east along the centerline of Thrasher Street to its intersection with the centerline of Greenwood Street; thence south along the centerline of Greenwood Street to its intersection with the centerline of Highland Avenue, thence east along the centerline of Highland Avenue to its intersection with the centerline of Three Mile Branch; thence meander southerly along the centerline of Three Mile Branch to its intersection with the centerline of Interstate Highway 85; thence easterly along the centerline of Interstate Highway 85 to its intersection with the centerline of the Eastern Bypass, the point of beginning.

COMMISSIONER DISTRICT 2

Beginning at the intersection of the centerline of Catoma Creek with the south line of Section 8, T 15 N, R 18 E; thence west along the south lines of Sections 8 and 7, T 15 N, R 18 E, to the south line of Section 12, T 15 N, R 17 E; thence west along the south lines of Sections 12, 11, 10, 9, 8, and 7, T 15 N, R 17 E, to the south line of Section 12, T 15 N, R 16 E; thence west along the south line of said Section 12 to the southwest corner thereof; thence north along the west line of said Section 12 to the southwest corner of Section 1, T 15 N, R 16 E; thence north along the west line of said Section 1 to its intersection with the centerline of Hayneville Road; thence meander northeasterly along the centerline of Hayneville Road and Hayneville Road extended across the Catoma Creek floodplain to the inter-

section of the centerline of the Western Boulevard; thence northerly along the Western Boulevard to its intersection with the centerline U.S. Highway 31; thence southeasterly along the centerline of U.S. Highway 31 to its intersection with a line extended south of the centerline of West End Drainage Ditch; thence northerly along said extended line and the centerline of the West End Drainage Ditch to its intersection with the centerline of Washington Ferry Road; thence easterly along the centerline of Washington Ferry Road to its intersection with the north boundary of Maxwell Air Force Base; thence meander along the north boundary of Maxwell Air Force Base to its intersection with the Alabama River; thence meander southeasterly along the Alabama River to its intersection with the centerline of Interstate 65; thence southerly along the centerline of Interstate 65 to its intersection with the centerline of West Jeff Davis Avenue; thence west along the centerline of West Jeff Davis Avenue to its intersection with the centerline of Lucy Street; thence northerly along the centerline of Lucy Street to its intersection with the centerline of Carlisle Street; thence westerly along the centerline of Carlisle Street to its intersection with the centerline of Hill Street; thence south along the centerline of Hill Street to its intersection with the centerline of Chappell Street; thence westerly along the centerline of Chappell Street to its intersection with the centerline of Hugh Street; thence south along the centerline of Hugh Street to its intersection with the centerline of Mill Street; thence west along the centerline of Mill Street and a line extended west to its intersection with the centerline of the Seaboard Coastline Railroad; thence southerly along the centerline of the Seaboard Coastline Railroad to its intersection with the centerline of Terminal Road; thence west along the centerline of Terminal Road to its intersection with the centerline of the L & N Railroad; thence southwesterly along the centerline of the L & N Railroad to its intersection with a line extended in a westerly direction from Hickman Street; thence east along said extended line and centerline of Hickman Street to its intersection with the centerline of Mobile Road; thence southerly along the centerline of Mobile Road to its intersection with the centerline of Fairview Avenue; thence easterly along the centerline of Fairview Avenue to its intersection with the centerline of South Perry Street; thence south along the centerline of South Perry Street to its intersection with the centerline of Delano Avenue; thence east along the centerline of Delano Avenue to its intersection with the centerline of Southmont Drive; thence southerly along the centerline of Southmont Drive to its intersection with the centerline of South Court Street; thence south along the centerline of South Court Street to its intersection with the centerline of Woodland Drive; thence easterly along the centerline of Woodland Drive to its intersection with the centerline of Davis Drive; thence easterly along the centerline of Davis Drive to its intersection with the centerline of Norman Bridge Road; thence southerly along the centerline of Norman Bridge Road to its intersection with the centerline of Catoma Creek; thence meander southeasterly along the centerline of Catoma Creek to its intersection with the south line of Section 8, T 15 N, R 18 E, the point of beginning.

COMMISSIONER DISTRICT 3

Beginning at the intersection of the centerline of Bell Road and Interstate Highway 85, in the SE $\frac{1}{4}$ of Section 18, T 16 N, R 19 E; thence westerly along the centerline of Interstate Highway 85 to its intersection with the center of Three Mile Branch; thence meander northerly along the center of Three Mile Branch to its intersection with the centerline of Highland Avenue; thence west along the centerline of Highland Avenue to its intersection with the centerline of Greenwood Street; thence north along the centerline of Greenwood Street to its intersection with the centerline of

Thrasher Street; thence west along the centerline of Thrasher Street to its intersection with the centerline of Panama Street; thence north along the centerline of Panama Street to its intersection with the centerline of Mt. Meigs Road; thence southwesterly along the centerline of Mt. Meigs Road to its intersection with the centerline of Central of Georgia Railroad; thence northwesterly along the centerline of the Central of Georgia Railroad to its intersection with the centerline of Madison Avenue; thence west along the centerline of Madison Avenue to its intersection with the centerline of Hillard Street; thence north along the centerline of Hillard Street to its intersection with the centerline of Jefferson Street; thence west along the centerline of Jefferson Street to its intersection with the centerline of Jackson Street; thence north along the centerline of Jackson Street to its intersection with the centerline of Upper Wetumpka Road; thence northeasterly along the centerline of the Upper Wetumpka Road to its intersection at the north boundary of Griel Memorial Hospital with the centerline of an unnamed drainage ditch; thence northwesterly along the centerline of said drainage ditch to its intersection with and along a projected line that extends to a point on the centerline of Lower Wetumpka Road 387 feet north of Fourney Street; thence northeasterly along the centerline of the Lower Wetumpka Road to its intersection with the centerline of Park Avenue; thence east along the centerline of Park Avenue to its intersection with the centerline of Fairground Road; thence north along the centerline of Fairground Road to its intersection with the centerline of Vandiver Boulevard; thence west along the centerline of Vandiver Boulevard to its intersection with the centerline of School House Road; thence run north along the centerline of School House Road and School House Road extended to its intersection with the centerline of the Western Railroad; thence run easterly along the centerline of the Western Railroad to its intersection with the center of Three Mile Branch; thence meander southerly along the center of Three Mile Branch to its intersection with the centerline of the Northern Bypass; thence run easterly along the centerline of the Northern Bypass to its intersection with the centerline of the Eastern Bypass; thence southeasterly along the centerline of the Eastern Bypass to its intersection with the south line of Section 36, T 17 N, R 18 E; thence east along the south line of said Section 36 to its intersection with the south line of Section 31, T 17 N, R 19 E; thence east along the south line of said Section 31 to its intersection with the south line of Section 32, T 17 N, R 19 E; thence east along the south line of said Section 32 to its intersection with the center of Oliver Creek; thence southerly along the center of Oliver Creek to its intersection with the centerline of the Wares Ferry Road; thence southwesterly along the centerline of the Wares Ferry Road to its intersection with the centerline of Burbank Drive; thence southerly along the centerline of Burbank Drive to its intersection with the centerline of U.S. Highway 80, the Atlanta Highway; thence east along the centerline of U.S. Highway 80 to its intersection with the centerline of Bell Road; thence south along the centerline of Bell Road to its intersection with the north line of Section 18, T 16 N, R 19 E; thence east along the north line of said Section 18 to the northeast corner thereof; thence south along the east line of said Section 18 to its intersection with the centerline of Interstate Highway 85; thence westerly along the centerline of Interstate Highway 85 to its intersection with the centerline of Bell Road, the point of beginning.

COMMISSIONER DISTRICT 4

Beginning at the intersection of the centerline of Interstate Highway 85 and the Central of Georgia Railroad; thence west along the centerline of Interstate Highway 85 to its intersection with the centerline of Mulberry

Street; thence south along the centerline of Mulberry Street to its intersection with the centerline of Carter Hill Road; thence northwesterly along the centerline of Carter Hill Road to its intersection with the centerline of Felder Avenue; thence westerly along the centerline of Felder Avenue to its intersection with the centerline of Felder Terrace; thence northeasterly along the centerline of Felder Terrace to its intersection with centerline of Belmont Street; thence northwesterly along the centerline of Belmont Street to its intersection with the centerline of Girard Street; thence south along the centerline of Girard Street to its intersection with the centerline of Felder Avenue; thence westerly along the centerline of Felder Avenue to its intersection with the centerline of Norman Bridge Road; thence northerly along the centerline of Norman Bridge Road to its intersection with the centerline of Clanton Avenue; thence west along the centerline of Clanton Avenue to its intersection with the centerline of South Perry Street; thence south along the centerline of South Perry Street to its intersection with the centerline of Fairview Avenue; thence west along the centerline of Fairview Avenue to its intersection with the centerline of Mobile Road; thence northeasterly along the centerline of Mobile Road to its intersection with the centerline of Hickman Street; thence westerly along the centerline of Hickman Street and a line extended west to the intersection with the centerline of the Louisville & Nashville Railroad; thence northeasterly along the centerline of the Louisville & Nashville Railroad to its intersection with the centerline of Terminal Road; thence easterly along the centerline of Terminal Road to its intersection with the centerline of the Seaboard Coastline Railroad; thence northerly along the centerline to the Seaboard Coastline Railroad to its intersection with a line extended west from the centerline of Mill Street; thence east along the centerline of Mill Street to its intersection with the centerline of Hugh Street; thence north along the centerline of Hugh Street to its intersection with the centerline of Chappell Street; thence east along the centerline of Chappell Street to its intersection with the centerline of Hill Street; thence north along the centerline of Hill Street to its intersection with the centerline of Carlisle Street; thence southeasterly along the centerline of Carlisle Street to its intersection with the centerline of Lucy Street; thence south along the centerline of Lucy Street to its intersection with the centerline of West Jeff Davis Avenue; thence east along the centerline of West Jeff Davis Avenue to its intersection with the centerline of Interstate Highway 65; thence northerly along the centerline of Interstate Highway 65 to its intersection with the center of the Alabama River; thence meander northerly then easterly along the center of the Alabama River to its intersection with the center of the Tallapoosa River; thence meander easterly along the center of the Tallapoosa River to its intersection with the center of Oliver Creek; thence meander southerly along the center of Oliver Creek to its intersection with the south line of Section 32, T 17 N, R 19 E; thence west along the south line of said Section 32 to its intersection with the south line of Section 31, T 17 N, R 19 E; thence west along the south line of said Section 31 to its intersection with the south line of Section 36, T 17 N, R 18 E; thence west along the south line of Section 36 to its intersection with the centerline of the Eastern By-pass; thence northwesterly along the centerline of the Eastern By-pass to its intersection with the centerline of the Northern By-pass; thence westerly along the centerline of the Northern By-pass to its intersection with the center of Three Mile Branch; thence meander northerly along the center of Three Mile Branch to its intersection with the centerline of the Western Railroad; thence westerly along the centerline of the Western Railroad to its intersection with the centerline of School House Road extended thence south along the centerline of School House Road and School House Road extended to its intersection with the

centerline of Vandiver Boulevard; thence east along the centerline of Vandiver Boulevard to its intersection with the centerline of Fairground Road; thence south along the centerline of Fairground Road to its intersection with the centerline of Park Avenue; thence easterly along the centerline of Park Avenue to its intersection with the centerline of Lower Wetumpka Road; thence southwesterly along the centerline of Lower Wetumpka Road to its intersection at the north boundary of Griel Memorial Hospital with the centerline of an unnamed drainage ditch; thence southeasterly along the centerline of said drainage ditch to its intersection with and along a projected line that intersects the centerline of Upper Wetumpka Road; thence southwesterly along the centerline of the Upper Wetumpka Road to its intersection with the centerline of Jackson Street; thence south along the centerline of Jackson Street to its intersection with the centerline of Jefferson Street; thence east along the centerline of Jefferson Street to its intersection with the centerline of Hillard Street; thence south along the centerline of Hillard Street to its intersection with the centerline of Madison Avenue; thence east along the centerline of Madison Avenue to its intersection with the centerline of the Central of Georgia Railroad; thence southeasterly along the centerline of the Central of Georgia Railroad to its intersection with the centerline of Interstate Highway 85, the point of beginning.

COMMISSIONER DISTRICT 5

Beginning at the intersection of the centerline of the Eastern Bypass and Interstate Highway 85; thence southwesterly along the centerline of the Eastern Bypass to its intersection with the Centerline of Alabama Highway 110 (Vaughn Road); thence easterly along the centerline of Alabama Highway 110 to its intersection with the centerline of Bell Road; thence southwesterly along the centerline of Bell Road to its intersection with the centerline of the Central of Georgia Railroad; thence northwesterly along the centerline of the Central of Georgia Railroad to its intersection with the centerline of the Eastern Bypass; thence southwesterly along the centerline of the Eastern Bypass to its intersection with the centerline of U.S. Highway 231 South; thence southeasterly along the centerline of U.S. Highway 231 South to its intersection with the centerline of Whites Slough; thence meander southwesterly along the centerline of Whites Slough to its intersection with the centerline of the Virginia Loop Road; thence south along the centerline of the Virginia Loop Road to its intersection with the centerline of the Woodley Road; thence northwesterly along the centerline of the Woodley Road to its intersection with the centerline of the South Boulevard; thence west along the centerline of the South Boulevard to its intersection with the centerline of the Norman Bridge Road; thence southerly along the centerline of the Norman Bridge to its intersection with the centerline of Catoma Creek; thence meander southeasterly along the centerline of Catoma Creek to its intersection with the south line of Section 8, T 15 N, R 18 E; thence west along the south lines of Sections 8 and 7, T 15 N, R 18 E, to the south line of Section 12, T 15 N, R 17 E; thence west along the south lines of Sections 12, 11, 10, 9, 8, and 7, T 15 N, R 17 E, to the south line of Section 12, T 15 N, R 16 E; thence west along the south line of said Section 12 to the southwest corner thereof; thence north along the west line of said Section 12 to the southwest corner of Section 1, T 15 N, R 16 E; thence north along the west line of said Section 1 to its intersection with the centerline of Hayneville Road; thence meander northeasterly along the centerline of Hayneville Road and Hayneville Road extended across the Catoma Creek floodplain to its intersection with the centerline of the Western Boulevard; thence northerly along the Western Boulevard to its intersection with the centerline of U.S. Highway 31; thence southeasterly along

the centerline of U.S. Highway 31 to its intersection with a line extended south of the West End Drainage Ditch; thence meander northerly along said extended line and the West End Drainage Ditch to its intersection with the centerline of Washington Ferry Road; thence easterly along the centerline of Washington Ferry Road to its intersection with the north boundary of Maxwell Air Force Base; thence meander along the north boundary of Maxwell Air Force Base to its intersection with the center of the Alabama River; thence meander easterly along the center of the Alabama River to its intersection with the north line of Section 27, T 17 N, R 17 E; thence west along the north line of said Section 27 to its intersection with the north line of Section 28, T 17 N, R 17 E; thence west along the north line of said Section 28 to its intersection with the center of the Alabama River; thence meander westerly along the center of the Alabama River to its intersection with the center of Pintlala Creek, the Montgomery-Lowndes County line; thence meander southerly along the center of Pintlala Creek, the Montgomery-Lowndes County line to the North-South line between Montgomery and Lowndes County to Wasden Road; thence south along said county line to its intersection with the Montgomery-Lowndes-Crenshaw County line at Davenport; thence east along the Montgomery-Crenshaw County line to the North-South line between Montgomery and Crenshaw County at Sellers; thence south along said County line to its intersection with the East-West line between Montgomery and Crenshaw County at LaPine; thence east along the Montgomery-Crenshaw County line to its intersection with the Montgomery-Pike County line at Patsaliga Creek; thence east along the Montgomery-Pike County line to the North-South Montgomery-Pike County line to its intersection with the Montgomery-Bullock County line; thence north along the Montgomery-Bullock County line to its intersection with the Montgomery-Macon County line at Line Creek; thence meander northwesterly along the center of Line Creek to its intersection with the center of Tallapoosa River, the Montgomery-Elmore County line; thence meander westerly along the center of the Tallapoosa River to its intersection with the center of Oliver Creek, thence meander southerly along the center of Oliver Creek to its intersection with the centerline of Wares Ferry Road; thence southwestwardly along the centerline of the Wares Ferry Road to its intersection with the centerline of Burbank Drive; thence southerly along the centerline of Burbank Drive to its intersection with the centerline of U.S. Highway 80, the Atlanta Highway; thence east along the centerline of U.S. Highway 80 to its intersection with the centerline of Bell Road; thence south along the centerline of Bell Road to its intersection with the north line of Section 18, T 16 N, R 19 E; thence east along the north line of said Section 18 to the North-East corner thereof; thence south along the west line of said Section 18 to its intersection with the centerline of Interstate Highway 85; thence westerly along the centerline of Interstate Highway 85 to its intersection with the centerline of the Eastern Bypass, the point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blakeney, Bowling, Box,

Brakefield, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Cosby, Crow, Dutton, Faulk, Ford, Fuller, Gaston, Gray, Grimsley, Grouby, Hall, Harvey, Holmes, Hooper, Junkins, Kvalheim, Lauderdale, Lindsey, McKee, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Poole, Preuitt, Rains, Rice, Seibels, Starkey, Starr, Tanner, Thomas, Venable, White (F), White (G), White (L) and Zoghby.

—58

And the bill, H. 434, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Beers, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Dutton, Faulk, Ford, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, Mikell, Moore, Newman, Parker, Poole, Preuitt, Rains, Reed, Rice, Seibels, Starkey, Starr, Tanner, Thomas, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—61

And the bill:

H. 482. To authorize the Clay County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grimsley, Hall, Hammett, Harvey, Hettinger, Holmes, Horn, Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Mikell, Moore, Newman, Onderdonk, Parker, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Seibels, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Ses-

sion, which proposes a Constitutional Amendment on budgetary matters and the legislative process.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the House concurred in and adopted the Senate amendment to the bill, H. 159, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, (Acts 1981 Special Session, p. 25), which proposes a Constitutional Amendment on budgetary matters and the legislative process.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Legislature has researched and finds, inter alia:

1. The Legislature convened, in response to the Governor's proclamation, in its First Special Session of 1981, commencing August 4, 1981, and enacted Act No. 81-889, S. 32, proposing an amendment to the Constitution of Alabama of 1901 which would require that during each regular session of the Legislature, until such time as bills making appropriations for the ensuing fiscal year have been signed by the presiding officer of each house, no bill, other than a bill making any part of said appropriations, could be signed by either the presiding officer of the House or Senate and transmitted to the other house. Act No. 81-889 further provided that the ratification election for this proposed Constitutional Amendment would be held at the first statewide primary or general election after the expiration of three (3) months from the final adjournment of the session during which the bill had been enacted.

2. The Legislature convened, in response to the Governor's proclamation, in its Third Special Session of 1981, commencing November 3, 1981, during which it enacted Act No. 81-1190, H. J. R. 75, Third Special Session, 1981, approved December 4, 1981, which redesignated the date for the ratification election of the Constitutional Amendment proposed by Act No. 81-889 as follows:

"...provided, however, the Constitutional Amendment proposed by Act No. 81-889, S. 32, 1981 First Special Session, shall be placed on the September 1982 primary or the November 1982 general election."

3. The Legislature convened in Regular Session, as provided by law, on January 12, 1982, during which it passed three resolutions relating to said Act No. 81-889.

(a) Act No. 82-414, H. J. R. 165, 1982 Regular Session, was passed by the House on March 23, 1982, and by the Senate on April 8, 1982, and provided in pertinent part

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the election date on the September 1982 primary or the November 1982 general election ballot, as designated by Act No. 81-1190, H. J. R. 75, Third Special Session 1981, is

hereby rescinded and the said constitutional amendment proposed by Act No. 81-889 shall be on the ballot at the first primary or general election in 1984."

(b) Following the passage of H. J. R. 165, the Legislature enacted Act No. 82-270, H. J. R. 166, 1982 Regular Session, which was passed by the House on March 23, 1982, and by the Senate on April 8, 1982. H. J. R. 166, provided in pertinent part:

"BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the Secretary of State return to it forthwith for further consideration Act No. 81-889, S. 32 of the First Special Session 1981.

BE IT RESOLVED FURTHER, That the election date on the September 1982 primary or the November 1982 general election ballot, as designated by Act No. 81-1190, H. J. R. 75, Third Special Session 1981, is hereby rescinded."

Pursuant to this resolution, the Secretary of State on April 19, 1982, returned Act No. 81-889 to the House of Representatives, further requesting that:

"[W]hatever the ultimate disposition of this proposed Constitutional Amendment, I trust that it will be returned to the Office of the Secretary of State within 10 days after the adjournment of the current session. . . ."

Following the close of the 1982 Regular Session, no further action having been taken by the Legislature respecting the substantive proposal embodied by Act No. 81-889, said Act No. 81-889 was delivered by the Clerk of the House to the Secretary of State as unfinished and non-viable business pursuant to Code of Alabama 1975, Sections 29-1-16 and 17.

(c) H. J. R. 165, having been erroneously sent to the Governor in contravention of Section 125 of the Constitution of 1901, the Legislature on April 26, 1982, enacted Act No. 82-413, H. J. R. 386, 1982 Regular Session, which provided:

"RETURNING H. J. R. 165, 1982 REGULAR SESSION, TO THE SECRETARY OF STATE FOR CUSTODY AND ASSIGNMENT OF ACT NUMBER.

"WHEREAS, the Alabama Legislature enacted H. J. R. 165, by passage in the Alabama House of Representatives on the 20th legislative day, March 23, 1982, and adoption in the Alabama Senate on the 26th legislative day, April 8, 1982, and now finds it in its possession; and

"WHEREAS, said H. J. R. 165 resets the election date for Act No. 81-889, S. 32 of the First Special Session 1981, and rescinds the date therefor for the proposed constitutional amendment on budgetary matters; and

"WHEREAS, the said H. J. R. 165 stated in pertinent part that:

"'BE IT FURTHER RESOLVED, That in accordance with Section 125 of the Constitution of 1901, this resolution relating to a proposed constitutional amendment and the election thereon, does not require the signature of the Governor and the original of same shall not be sent to him;" and

"WHEREAS, any purported executive veto of any order, vote or resolution on questions of, inter alia, 'the bringing on of elections by the two houses and amending this Constitution' can be only a nullity and is without the constitutional authority of the Governor; now therefore,

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do, in accordance with Sections 125, 284 and 287, Constitution of Alabama 1901, return H. J. R. 165, 1982 Regular Session, to the Secretary of State and hereby direct that he assign an Act number to said H. J. R. 165, abide by the requirements prescribed therein and keep such document which relates to amending the Constitution and election date called therefor within the exclusive possession of his official capacity, so that the ballot shall be prepared and the date proclaimed as designated in H. J. R. 165, 1982 Regular Session.

"BE IT FURTHER RESOLVED, That we do direct the Clerk of the House to cause delivery forthwith directly to the Secretary of State and that no copies of this resolution shall be sent to the Governor."

Consequently, H. J. R. 165, set a date for a ratification vote on the Constitutional Amendment proposed by Act No. 81-889 which Act No. 81-889 had been recalled by the Legislature and stayed in the possession of the House; H. J. R. 165 was recovered from the Governor by the Secretary of State and assigned an Act number, Act No. 82-413. However, no further legislative action had been taken after its recall on Act No. 81-889 and remained in the House with no final action thereon.

4. The Legislature convened, in response to the Governor's proclamation, in its Second Special Session of 1982, commencing June 21, 1982, during which it enacted Act No. 82-705, H. J. R. 58, Second Special Session, 1982, approved July 8, 1982, which provided in pertinent part:

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the constitutional amendments proposed by Acts 82-171, H. B. 652; 82-299, H. B. 689; and 82-332, S. B. 110, shall be presented to the voters at an election to be held on September 7, 1982.

"The constitutional amendments proposed by Acts 82-78, H. B. 54; 82-100, S. B. 328; 82-151, H. B. 574; 82-200, H. B. 651; 82-201, H. B. 48; 82-202, S. B. 454; 82-329, S. B. 546; 82-333, S. B. 502; 82-215, H. B. 741; 82-216, H. B. 742; 82-217, H. B. 760; and 82-630, H. B. 94 shall be presented to the voters at an election to be held on September 28, 1982.

"The constitutional amendments proposed by Acts No. 82-300, S. B. 302; 82-330, S. B. 468; 82-331, H. B. 616; 82-96, H. B. 473; and 82-214, H. B. 734 shall be presented to the voters at an election to be held on November 2, 1982.

"BE IT FURTHER RESOLVED, That all constitutional amendments not enumerated herein shall be presented to the voters on November 2, 1982."

5. The Justices of the Supreme Court of Alabama have on former occasions advised the Legislature that acts proposing Constitutional Amendments could be recalled by the Legislature by resolution for further consideration, and have also advised that the Legislature may by resolution validly and constitutionally redesignate the election date for proposed Constitutional Amendments. Opinion of the Justices, 252 Ala. 89, 39 So.2d 665 (1949); Opinion of the Justices, 275 Ala. 372, 155 So.2d 329 (1963); Opinion of the Justices, No. 300, Ala., 418 So.2d 107 (1982).

6. It is the sense of the Legislature that sound public policy requires that a Constitutional Amendment should to be submitted to the voters for

ratification several years after the act proposing such Constitutional Amendment has been promulgated by the Legislature.

7. There exists a serious contention which is apparently valid that Act No. 81-889, S. 32, First Special Session, 1981, was returned to the Legislature by Act No. 82-270, H. J. R. 166, Regular Session 1982, and subsequently never finally enacted by the Legislature, thus remaining non-viable.

8. Act No. 82-705, H. J. R. 58, Second Special Session 1982, is the most recently enacted statute respecting the date for ratification of Act No. 81-889, S. 32, First Special Session, 1981, said date having been set at November 2, 1982, if in fact Act No. 81-889 has not been validly returned to the Legislature by Act No. 82-270, H. J. R. 166, Regular Session, 1982, and never finally enacted by the Legislature.

Section 2. Act No. 81-889, S. 32 of the 1981 First Special Session (Acts 1981 Special Session, p. 25) is hereby specifically repealed.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 62; Nays 27.

Yeas:

Mr. Speaker, Albright, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Faulk, Ford, Fuller, Gray, Hall, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, Marietta, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Reed, Richardson, Rogers, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, White (F), White (L) and Zoghby.

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Nays:

Reps.: Adams, Beers, Box, Britnell, Cosby, Gaston, Grimsley, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Kvalheim, Laird, McDowell, McKee, McMillan, Mathis, Mikell, Rice, Sasser, Seibels, Starr, Venable, Warren and White (G).

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And the bill:

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, (Acts 1981 Special Session, p. 25), which proposes a Constitutional Amendment on budgetary matters and the legislative process.

As thus amended, was again read at length and passed.

Yeas 61; Nays 29.

Yeas:

Mr. Speaker, Albright, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Ford, Fuller, Hall, Harvey, Holley, Holmes, Horn, Johnson

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(Roy), Junkins, Kennedy, Lauderdale, Lindsey, Marietta, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Reed, Richardson, Rogers, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, White (F), White (L) and Zoghby.

—61

Nays:

Reps.: Adams, Beers, Box, Cosby, Flowers, Gaston, Gray, Grimsley, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Kvalheim, Laird, McDowell, McKee, McMillan, Mathis, Mikell, Preuitt, Rice, Sasser, Seibels, Starr, Venable, Warren and White (G).

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bailey, Aldridge, and Strong:

S. J. R. 56. INVITING PRESIDENTIAL CANDIDATE GARY HART TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to Presidential Candidate, Senator Gary Hart, to address the Alabama Legislature on March 8, 1984, at 2 p.m., at which time the Legislature shall convene in joint session.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to forward a copy of this resolution to Senator Hart in hopeful anticipation of his acceptance.

McDOWELL LEE,
Secretary.

SENATE MESSAGE
AMENDMENT OFFERED

Rep. Dutton offered the following amendment to the resolution, S. J. R. 56:

Amend S. J. R. 56, line 15, by deleting 2 p.m. and inserting in lieu thereof 10 a.m.

And the amendment was adopted.

And the resolution, S. J. R. 56, as amended, was adopted.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 407. To authorize the Clerk of the House and the Secretary of the Senate to employ certain legislative personnel.

H. 141. To amend Section 16-1-18, Code of Alabama 1975, relating to school bus drivers and certain full-time support personnel employed by the boards of control of city and county school systems and the Alabama Institute for Deaf and Blind, so as to provide further for the maximum accumulated days not utilized or being paid for sick leave.

H. 366. To amend section 36-7-22, Code of Alabama 1975, relating to mileage allowances for persons traveling on official state business in privately owned vehicles, so as to regulate the designation of official base or station for travel pay purposes.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 238. (With Substitute)(With Amendment): To provide that funds appropriated under the Education Appropriations Act for the funding of two (2) days personal leave shall be made available to employees for personal reasons.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 265. (With Amendment): To redefine the term "gross income" as prescribed in Title 40, Chapter 18, Article 14, Code of Alabama 1975, relating to gross income exclusions, to conform Alabama income tax exclusions to Federal income tax exclusions of employer contributions on behalf of an employee to a trust which is part of a qualified cash or deferred arrangement (as defined in 26 USCA 401(k) (2)) under which, the employee has an election whether the contribution will be made to the trust or received by the employee in cash; to provide the provisions of this act shall be construed in pari materia with other law or parts of laws relating to income tax exclusions except where there is a direct conflict; and to provide an effective date.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 212. To amend Section 12-17-231 and 12-17-233, Code of Alabama 1975, relating to the Office of Prosecution Services, so as to provide that employees of said office shall be eligible for membership in the state employees' retirement system; to authorize legislative appropriations to the office; and to further define the program of the Office of Prosecution Services.

H. 379. To require city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide vehicle liability insurance to cover personal liabilities of moving vehicle accidents for bus drivers or any employee required to transport pupils.

Rep. Campbell, Chairman of the Standing Committee on Judiciary reported that said Committee in session had acted on the following bills and

ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 349. To amend Section 35-10-8, Code of Alabama 1975, relating to how notices of mortgage foreclosure sales are made, so as to provide how the notice of sale is made when there is no newspaper published in the county.

H. 369. To amend the definitions contained in § 13A-10-30 [in the criminal code article on escape and related crimes] to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

H. 370. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of \$2,000 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

H. 444. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

H. 461. To authorize fiduciaries to invest in and hold, in addition to any other investments authorized by law, interests in any common trust fund or collective investment fund maintained by any financial institution having trust powers or in securities of or other interests in any open-end or closed-end management type investment company or investment trust registered under the investment Company Act of 1940, provided that the portfolio of such fund, company or trust is limited to the classes of trust investments allowed by law.

H. 468. To amend § 13A-6-3 of the Code of Alabama, 1975, to provide that manslaughter is a Class B felony.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 39. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating and Air Conditioning Contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, and the legislature's concurrence thereof.

S. 40. To amend Section 25-9-9 of the Code of Alabama 1975, so as to provide further for the composition of the board of examiners to certify competency for fire bosses and mine foremen.

S. 42. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Liquefied Petroleum Gas Board as provided in Sec-

tions 9-17-100 through 9-17-110, Code of Alabama 1975, and the legislature's concurrence thereof.

H. 346. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

H. 500. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges; providing penalties for violations of the act; and repealing and superseding Sections 34-5-1 through 34-5-16, Code of Alabama 1975.

H. 341. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-6, 34-33-7, and 34-33-9 of the Code of Alabama 1975 which relate to the design, installation and maintenance of fire protection sprinkler systems so as to refine the definition of "Fire Protection Sprinkler Contractor"; to allow persons designated by the fire marshal to prepare and administer competency tests; to clarify application of this Act to certain owners of fire protection sprinkler systems; to allow for reciprocity among states for recognized permits; to allow a fire protection sprinkler controller to continue in business for a limited period if the contractor's certificate holder dies or leaves the employment of such contractor; to specify the time for filing renewal applications; and to provide that if plans for a fire protection sprinkler system are required to be submitted to and approved by any municipality, county or the state such plans must bear the permit number of the certified fire protection sprinkler contractor.

H. 518. To require certain minimum deposits into a trust fund of proceeds from sales of grave space in an endowment or perpetual care cemetery; to require a minimum deposit into an irrevocable trust fund by any person establishing endowment or perpetual care cemeteries after the effective date of this Act; to provide for certain contractual provisions; to provide for the supervision and control of such trust funds; to provide for penalties for violation; to provide for enforcement and supervision by the Attorney General and district attorneys of the several judicial circuits; to provide for the recording of certain reports in the several probate courts; to provide for licenses to be obtained from the probate judge; and for related purposes.

H. 466. To prohibit public and private motor vehicle carriers from transporting hazardous or flammable materials through tunnels; to provide for jurisdiction of certain law enforcement officers; and to provide penalties for violations.

Rep. Horn, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 200. (With Amendments): Relating to elections, to establish an annual voter registration day; to require that the hours of the board of registrars coincide with the business hours of the courthouse; to require that in certain counties, the probate judge or chief probate clerk or others be ap-

pointed as deputy registrars; to require, upon the request of certain municipal governing bodies, the appointment of the clerk of the municipality as a deputy registrar; to authorize certain high school and college officials to serve as deputy registrars; to establish a population basis for authorizing session days for boards of registrars; to provide for severability; and, to provide an effective date.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 474. Relating to Wilcox County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

H. 488. To authorize the Barbour County Commission to compensate a Clerk in the Sheriff's Office.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 489. (With Amendment): (Relating to Barbour County:) To provide that the Sheriff shall be entitled to the allowance payable by the State for feeding prisoners.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 490. Relating to Barbour County: Fixing the fee for an issuance of a pistol permit by the Sheriff and providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

H. 496. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Lawrence County and to provide for the use of such fees.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Clark (J), Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 91. CREATING A JOINT LEGISLATIVE-JUDICIAL COMMITTEE TO STUDY, DEVELOP PLANS, AND MAKE RECOMMENDATIONS FOR A NEW JUDICIAL BUILDING FOR THE STATE OF ALABAMA.

On motion of Rep. Kvalheim, the resolution, H. J. R. 91, was adopted.
Also:

H. J. R. 13. CREATING A JOINT INTERIM COMMITTEE TO STUDY ALABAMA'S ELECTION LAWS.

On motion of Rep. Venable, the resolution, H. J. R. 13, was adopted.

Also:

H. J. R. 17. CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES OF ALL WELFARE, INCLUDING OLD AGE PENSION PROGRAMS, MEDICAID AND SOCIAL PROGRAMS FUNDED OR ADMINISTERED BY THE STATE OF ALABAMA FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFORE INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

On motion of Rep. Bowling, the resolution, H. J. R. 17, was adopted.

Also:

On motion of Rep. Laird, the resolution, S. J. R. 27, was temporarily postponed.

Also:

Rep. Clark (J), Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report, with amendment:

H. J. R. 67. CREATING A JOINT INTERIM LEGISLATIVE CHILDREN AND YOUTH STUDY COMMITTEE.

Said amendment being as follows:

Amend H. J. R. 67 on line 38 of said resolution by striking the figure \$15,000 and inserting in lieu therefor the figure \$8,000.

On motion of Rep. Ford, the amendment was adopted.

And the resolution, H. J. R. 67, as amended, was adopted.

Also:

On motion of Rep. Turner, the resolution, H. J. R. 66, was temporarily postponed.

Also:

H. J. R. 10. MEMORIALIZING GOVERNOR WALLACE TO RE-ACTIVATE THE THIRD ALABAMA VOLUNTEER CAVALRY CORPS AS A UNIT OF ALABAMA'S NATIONAL GUARD.

On motion of Rep. Ford, the resolution, H. J. R. 10, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 106. INVITING PRESIDENT RONALD REAGAN AS A PRESIDENTIAL CANDIDATE TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Reps. White (F) and Rice:

H. J. R. 109. URGING CONGRESS TO ADOPT SCHOOL PRAYER AMENDMENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the U.S. Congress to adopt the pending proposed constitutional amendment authorizing voluntary prayer in public schools.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Alabama congressional delegation.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 109, was adopted.

Also:

By Reps. Brakefield and Nicholson:

H. J. R. 110. COMMENDING MRS. JEANETTE GROSS GUTHRIE OF JASPER, ALABAMA, MOTHER OF THE YEAR 1984.

WHEREAS, the Alabama Legislature expresses highest commendation, and extends heartiest congratulations to Mrs. Jeanette Gross Guthrie of Jasper, Alabama, Mother of the Year for 1984; and

WHEREAS, Mrs. Guthrie, who was selected from a field of six "Merit Mothers" from among numerous nominees throughout Alabama, is a native of Harlan, Kentucky, and a resident of Alabama since 1934; and

WHEREAS, Mrs. Guthrie, who was married at the age of 16 years to Mayo Guthrie, is the mother of five children and the grandmother of 12 grandchildren and one great grandchild; and

WHEREAS, though Mrs. Guthrie's formal schooling had been interrupted for financial reasons, she resumed her educational pursuits following establishment of the GED certification program, eventually receiving the bachelor's degree from the University of Alabama; she then began a career as a school teacher, which lasted until her 1980 retirement; and

WHEREAS, Mrs. Guthrie, in addition to maintaining her home, assisted in her husband's business, taught Sunday School and cared for several other family members; she also was active in PTA, the Heritage Association, Extension programs, Red Cross and many other activities of civic and community concern; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we herein most highly commend Mrs. Jeanette Gross Guthrie as 1984 Alabama Mother of the Year and direct that she receive a copy of this resolution, tendered in sincerest praise and utmost regard.

On motion of Rep. Brakefield, the rules were suspended and the resolution, H. J. R. 110, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to show that had Rep. Gray

been on the floor at the time of voting, he would have voted "Nay" on the bill, H. 87.

Permission was granted for the Journal to show that had Rep. Boles been on the floor at the time of voting, he would have voted "Yea" on the bill, H. 87.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Holley, Johnson (Roy), Bachus, Nicholson, Buskey (John), Kennedy, Holmes, Buskey (James), Clark (W), Black, Reed, McNair, Horn, Escott, McDowell, Davis, Melton, Perdue, Spratt, Rogers, Poole, Grayson, Brooks, Faulk and Carothers:

H. J. R. 111. CREATING A LEGISLATIVE OVERSIGHT COMMITTEE TO MONITOR IMPLEMENTATION OF A COMPREHENSIVE PLAN ADDRESSING THE NEEDS OF THOSE SCHOOL SYSTEMS WHICH HAD LOW SUCCESS RATES ON THE ALABAMA HIGH SCHOOL GRADUATION EXAM.

WHEREAS, the Alabama State Legislature provides substantial financial support for the education of the State's school children; and

WHEREAS, the State Legislature expects that these education funds will be used effectively for the maximum educational benefits of the State's school children; and

WHEREAS, public education in Alabama is the responsibility of the State of Alabama in coordination with state and local school boards; and

WHEREAS, appropriate leadership needs to be provided to give reasonable assurance that students will be given an opportunity to reach their maximum potential; and

WHEREAS, it has become apparent, based on the results of the Alabama High School Graduation Exam given during the fall of 1983, that some of the State's public school systems might wish to request help from the state Department of Education as a result of these tests. The purpose of this request being so students may receive the education to which they are entitled; and

WHEREAS, passing the Alabama High School Graduation Exam is necessary to receive a high school diploma which is a basic certificate of accomplishment necessary for further educational opportunity as well as employment opportunity; and

WHEREAS, some school systems had very low success rates in the Alabama High School Graduation Exam; and

WHEREAS, the Alabama State Legislature does express its concern over those school systems with low success rates and hereby declares that assistance is necessary; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby direct the State Board of Education, through the State Superintendent of Education and the State Department of Education, to take immediate steps to prepare a comprehensive plan for implementation in the 1984-85 school year which addresses the needs of those systems within the additional financial re-

sources provided for the State Department of Education through the 1984-85 budget.

BE IT FURTHER RESOLVED, That the State Superintendent of Education provide additional technical assistance, training and other resources as reflected in the comprehensive plan for educational improvement.

BE IT FURTHER RESOLVED, That a Legislative Oversight Committee is hereby created, composed of five members of the House appointed by the Speaker of the House, five members of the Senate appointed by the Lt. Governor, and one member of the Governor's staff whose responsibilities will be to meet periodically to review the progress of the plan and to make reports to the full membership of the Legislature.

RESOLVED FURTHER, That upon request of the Chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, upon warrants drawn on the state comptroller upon requisitions signed by the Chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee within and without the state. All expenses for travel, per diem, salaries, benefits, clerical assistance, supplies and costs incurred as a result of this resolution shall be paid out of any funds appropriated to the legislature, in accordance with law.

The resolution, H. J. R. 111, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Black:

H. J. R. 112. COMMENDING MR. AND MRS. LAWRENCE LEVI DELAINE ON THE CELEBRATION OF THEIR 64TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the 64th wedding anniversary on March 6, 1984, of Mr. and Mrs. Lawrence Delaine of Cuba, Alabama; and

WHEREAS, Mr. Delaine and his young bride, Miss Joanna Ward, were united in holy marital vows on March 6, 1920, and have remained in the said holy state for the past 64 years; and

WHEREAS, they have lived their lives as one and, in devotion to each other, have remained steadfastly faithful to their marriage vows, setting an example for others; and

WHEREAS, Mr. and Mrs. Delaine, the parents of five boys and five girls, have five daughters and four sons remaining — they also have 31 grandchildren and 18 great grandchildren, most of whom gather with members of the family and friends to help Mr. and Mrs. Delaine celebrate this joyous occasion at their home in Cuba, Alabama, where they have resided since 1946; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the family and

many friends in congratulating this fine couple, Mr. and Mrs. Lawrence Delaine, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. and Mrs. Delaine that they may know of our congratulations and sincere best wishes for every future happiness.

On motion of Rep. Black, the rules were suspended and the resolution, H. J. R. 112, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Black (With Notice and Proof):

H. 528. Relating to Sumter County; to amend Section 2 of Act No. 176, H. 656, Regular Session 1973 (Acts 1973, p. 217), as amended, which relates to expense allowances of the members of the county commission, so as to further provide for such expense allowances and to provide for its retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 528, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Moore (With Notice and Proof):

H. 529. Relating Shelby County; to amend Section 8 of Act No. 82-771, S. 93, 1982 Second Special Session, (Acts 1982, 2nd Special Session, p. 262), which created the Shelby County Planning Commission, so as to provide that the election be held in each beat on whether or not the authority of the commission, its master plan and zoning regulations shall apply to such beat may not be held any more often than once every two years.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 529, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Moore:

H. 530. To provide that any state employee eligible to participate in the Employees' Retirement System who was previously covered by a local retirement plan may elect to purchase any previous years of service from the Employees' Retirement System; and to provide for the funding and contribution rates for buying past years' service; and, to provide a deadline of October 1, 1984 to buy prior years' service.

Committee on Ways and Means.

By Rep. Ford (With Notice and Proof):

H. 531. Relating to Etowah County, requiring the county to continue

paying health insurance premiums for a certain period of time for certain employees laid off due to insufficient funds.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 531, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Buskey (James):

H. 532. To provide for uniform observation of certain holidays and recesses.

Committee on State Administration.

By Rep. McDowell:

H. 533. Proposing a constitutional amendment applicable to Jefferson County to establish a maximum county sewer service charge; to require that such reduction in sewer service charges be effected by a reduction of ten cents (10 cents) per year; to authorize but not require the levy and collection of a sewer ad valorem up to seven (7) mills per \$100.00 assessed valuation, to replace sewer service charge revenues and to provide sewer services and expansions; to allow higher sewer charges or tax levies in the county or special sewer districts only if approved by a majority of electors therein, or of those participating in a special election provided for; to prohibit increases in sewer charges so long as maximum rates exceeded; to prohibit use of proceeds of sewer charges or sewer taxes collected in Jefferson County to provide sewer service to users outside of Jefferson County, making the amendment self-executing if approved by Jefferson County electors; to make provisions severable; and to establish the date for holding the elections thereon and provide for the notice of such elections.

Committee on Local Legislation No. 2.

The above bill was read a first time at length as required by the Constitution.

By Rep. Holley:

H. 534. To amend Section 16-23-4, Code of Alabama, 1975, to increase the applicant fee paid for a certificate from \$10.00 to \$30.00.

Committee on Ways and Means.

By Reps. Ford and Bowling:

H. 535. To provide that only the chancellor of the postsecondary education department need authorize and approve out-of-state travel authorization for employees and appointees under the jurisdiction of such department.

Committee on Education.

By Rep. Albright:

H. 536. To require all interstate natural gas pumping stations to erect

and maintain certain fencing around the outer perimeters of the facility and to set criminal penalties for violating this act.

Committee on Public Utilities and
Transportation.

By Reps. White (L) and Johnson (RG):

H. 537. To amend Sections 34-23-30, 34-23-32, 34-23-50, and 34-23-52, Code of Alabama 1975, which provide license fees established by the board of pharmacy, so as to provide further for said fees.

Committee on Health.

By Reps. Payne, Albright, McKee, Blake, and Rains:

H. 538. To amend Section 36-25-1 of the Code of Alabama 1975, relating to the code of ethics for public officials and employees, so as to further define public officials and peace officers.

Committee on State Administration.

By Reps. Poole, Mitchell, Butler, Brooks, Burke, and Carter:

H. 539. To appropriate \$10,000 from the general fund to the Department of Public Health for the purchase of rubella vaccine to be administered for the purpose of preventing birth defects; to grant immunity to public employees administering such vaccine; and to authorize the charging of fees for such immunizations.

Committee on Ways and Means.

By Reps. Payne, Cosby, McKee, Blake, and Rains:

H. 540. To amend Section 40-18-19, Code of Alabama 1975, to provide for the exemption of retirement pay for firemen from state and local income taxes the same as retirement pay of school teachers, state employees, civil service retirees and peace officers.

Committee on Ways and Means.

By Rep. Faulk (With Notice and Proof):

H. 541. Relating to Crenshaw County; providing for a discretionary expense allowance for members of the board of registrars, so as to make said expense allowance mandatory.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 541, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Reed:

H. 542. To make an appropriation of certain Trust Income from the Alabama Heritage Trust Income Account to Tuskegee Institute for capital outlay for the fiscal year ending September 30, 1984.

Committee on Ways and Means.

By Rep. Reed:

H. 543. To appropriate to Tuskegee Institute a certain portion of the applied scientific research and development funds entrusted for distribution by the Governor for certain purposes under the provisions of Act No. 81-1185, H. 76 of the Third Special Session of 1981 (Acts 1981, p. 513).

Committee on Ways and Means.

By Rep. Cosby:

H. 544. To exempt from all state, county, and local ad valorem taxes all property owned and used by the Martin-Carver School Association.

Committee on Ways and Means.

By Reps. Gaston and Kvalheim:

H. 545. To amend Section 13A-9-13.1 of the Criminal Code of Alabama, which relates to the crime of negotiating worthless negotiable instruments, so as to include the presentation or negotiation of a worthless negotiable instrument for the payment or repayment of a valid indebtedness as a crime under said section.

Committee on Judiciary.

By Rep. Turner:

H. 546. To provide school nurse positions for each school system through the State Department of Education.

Committee on Ways and Means.

By Reps. Harper, Marietta, and Turner (With Notice and Proof):

H. 547. To amend Section 1 of Act No. 319, H. 593, of the 1976 Regular Session (Acts 1976, p. 353), which provided for a mosquito, rodent and other vector control ad valorem tax in Mobile County, so as to provide further for certain exemptions from such tax.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 547, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Harper, Marietta, and Turner (With Notice and Proof):

H. 548. Relating to Mobile County; exempting all real and personal property owned and used as community centers, ball parks and recreational facilities by nonprofit businesses and corporations from all county ad valorem taxation.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 548, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Penry and McMillan:

H. 549. To amend Section 41-7-3 Code of Alabama 1975 which relates to the Advisory Board for the Bureau of Publicity and Information, so as to increase the membership of that Board from twelve to seventeen members.

Committee on Natural Resources.

By Reps. Penry, Grouby, and McMillan:

H. 550. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

Committee on Natural Resources.

By Reps. Penry and McMillan:

H. 551. To amend Section 40-9-21, Code of Alabama 1975, relating to ad valorem tax exemption for certain persons who are 65 years of age or older or totally disabled persons, so as to provide an alternate method of proof.

Committee on Natural Resources.

By Reps. McDowell, Melton, Escott, Rogers, Davis, McNair, Burke, Poole, Butler, Buskey (James), Clark (W), Holmes, Buskey (John), Faulk, Harper, Reed, Grayson, and Bachus:

H. 552. To amend Section 24-1-24, Code of Alabama 1975, relating to the municipal housing authorities so as to provide further that at least one commissioner shall be a tenant of the municipal housing authority.

Committee on Local Government.

By Reps. Mitchell and Poole:

H. 553. To provide for the government and control by Civil Service regulations of full-time deputy sheriffs of each county not already covered by a Civil Service Board System in each such county and to fix the duties, authority, powers, and method of compensation of each such board; and to provide for penalties for violations.

Committee on State Administration.

By Reps. Smith, Richardson, Clark (J), and Starr:

H. 554. To allow the Governor, the Director of Finance and the Commissioner of Agriculture and Industries to organize a public corporation for the purpose of issuing bonds or other debt securities to be used for constructing and maintaining an agricultural market facility and to renovate the existing Garrett Coliseum and other buildings on the Coliseum grounds; to provide procedures for the organization of said corporation; to set out powers of the corporation; to authorize the issuance of up to \$6,000,000 in securities, which shall be special obligations of the corporation, payable from specified sources and which shall not be obligations or debts of any kind of the State; to provide that not more than 60% of the proceeds of sale of such securities may be expended for the construction of an agricultural market facility and not more than 40% of such proceeds may be expended for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for methods of executing and selling such securities and for paying the principal of any any premium and interest on such securities; to provide that the monies realized from leases paid by the public for use of

the market, after expenses incurred in operating the market are deducted, may be pledged and used to defray the cost of 60% of the securities; to provide that the monies obtained from the public for rents and other receipts realized from use of the Coliseum, after expenses incurred in operating the Coliseum are deducted, may be pledged and used to defray the cost of 40% of the securities; and to provide that, if all of the above funds are insufficient, then to pledge monies received from fees, licenses, permits, fines and penalties collected by the Department of Agriculture and Industries and paid into the agricultural fund, for the payment of the principal of and any premium and interest on the securities; to provide that any monies received from the sale of the securities shall only be used to construct, acquire and equip an agricultural market facility, and for renovation of the Coliseum and other buildings located on the Coliseum grounds; to provide that the State Board of Agriculture and Industries shall construct the market under the guidance of the State Building Commission; to provide that the Agricultural Center Board shall be responsible for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for the refunding of the securities and procedures for the deposit, investment and disposition of proceeds of sale of the securities; to provide for limitation of any action to contest the validity of the securities; to provide that the securities are legal investments and that the securities of the corporation and any premium and interest thereon, the property and income of the corporation, and any public filings by it are exempt from taxation; and to provide for dissolution of the corporation.

Committee on Ways and Means.

By Rep. Mitchell (With Notice and Proof):

H. 555. Relating to Pickens County, providing for a Microfilm Print special recording fee of \$3.00, in addition to all existing recording fees and charges, for each document filed for record in the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 555, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Parker:

H. 556. To require that pupils enrolled in grades nine through twelve in public schools attend class eighty percent of the time or fail the class; and to provide exemptions for certain homebound pupils.

Committee on Education.

By Rep. Turnham:

H. 557. To provide in addition to benefits now received, a fixed cost-of-living increase to all surviving beneficiaries of members of the Employees' Retirement System of Alabama who became eligible for such benefits prior to October 1, 1983, however, no survivor beneficiary of an employee under the Employees' Retirement System whose benefits are based primarily upon service as an employee of an employer participating under Section 36-27-6, Code of Alabama 1975, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; to provide that any person whose eligibility to receive

Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to person receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for repeal of conflicting laws.

Committee on Ways and Means.

By Reps. Smith, Richardson, Clark (J), and Starr:

H. 558. To amend Section 2-3-20, Code of Alabama (1975); to provide for farmers' market facilities throughout this State for the efficient handling and sale of agricultural and agriculture related products; to create a certain farmers' market committee to advise on matters pertaining to such facilities; to prescribe the composition of such committee and the terms, duties, meetings, regulations and compensation of its membership; to prescribe punishment for violators of regulations adopted pursuant to this Act.

Committee on Ways and Means.

By Reps. Fuller and Laird (With Notice and Proof):

H. 559. To provide an annual supplemental salary for the Judge of the District Court of Chambers County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 559, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Richardson, Holley, Turnham, Clark (J), and Blake:

H. 560. To amend Section 31-5-3, Code of Alabama 1975, relating to per diem, travel and mileage expense, so as to permit the State Board of Veterans Affairs to establish such.

Committee on Ways and Means.

By Rep. Zoghby:

H. 561. To amend Sections 11-43A-8 and 11-43A-32, Code of Alabama 1975, which provides for the composition of the council in council-manager forms of city governments, so as to provide further for such composition.

Committee on Local Government.

By Rep. Zoghby:

H. 562. To allow persons seventeen years of age or older to donate blood without parental or guardian permission.

Committee on Public Welfare.

By Rep. Zoghby:

H. 563. To create the Alabama Executive Residence Preservation Foundation, as a division of the Governor's Mansion Advisory Board; to prescribe the purposes of such foundation, including receiving appropriations, gifts, contributions, loans, items of art, furniture or other properties of historical significance, and the general supervision and care of or enhancing the interior of the public areas within such residence; to provide for the

membership, one from each congressional district, the appointment of members, and conduct of business of the foundation; to provide for the officers, powers, duties and responsibilities of such officers and members; to authorize the foundation to establish bylaws and incorporate as a nonprofit corporation; to exempt all properties, income or proceeds generated thereby from any form of taxation within the state; to provide for the distribution of foundation assets upon dissolution or final liquidation; to require cooperation of the foundation and Governor's Mansion Advisory Board to implement the provisions of the act; to repeal all conflicting laws; and to provide for an effective date.

Committee on State Administration.

By Rep. Zoghby:

H. 564. To amend Section 13A-12-4, Code of Alabama 1975, relating to keeping a cockpit and cockfighting, so as to increase the crime to a felony offense and to include spectators of cockfighting and to authorize the law enforcement officer to confiscate the gamecocks and the court shall determine which agency shall be awarded the gamecocks for disposal or dispatch.

Committee on Judiciary.

By Rep. Zoghby (With Notice and Proof):

H. 565. To amend further Section V of Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts, 1939, p. 298), which creates and establishes the countywide civil service system in Mobile County, so as to further provide for the membership of the personnel board and appointments thereto; and to specifically repeal Act No. 167, H. 231 of the 1955 Regular Session (Local Acts of Alabama, 1955, p. 431).

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 565, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. McDowell:

H. 566. To amend Section 34-24-310 of the Code of Alabama 1975, relating to the composition of the medical licensure commission, so as to provide for a black member for such commission.

Committee on Local Government.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, (Acts 1981 Special Session, p. 25), which proposes a Constitutional Amendment on Budgetary matters and the legislative process.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Pratt:

H. R. 113. COMMENDING MR. AND MRS. WILBUR ROLAND McMONIGAL ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:10 P.M. on March 7, 1984.

H. J. R. 6
H. J. R. 58
H. J. R. 61
H. J. R. 65
H. J. R. 68
H. J. R. 69
H. J. R. 78
H. J. R. 79
H. J. R. 82

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Albright, the House adjourned until 9:30 o'clock a.m., Thursday, March 8, 1984.

TENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 8, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Steve Bunnell, Pastor, West Side Baptist Church, Jasper, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Johnson, Roy, the reading at length of the Journal of the House for the ninth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the ninth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Resolution:

S. J. R. 56. INVITING PRESIDENTIAL CANDIDATE GARY HART TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 114. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, March 8, 1984, we adjourn to meet again on Tuesday, March 20, 1984, at 3:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 114, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Horn, leave of absence was granted for Rep. Spratt.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 106. INVITING PRESIDENT RONALD REAGAN AS A PRESIDENTIAL CANDIDATE TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Zoghby:

H. R. 115. CONGRATULATING MRS. DOLE TRACY OF MOBILE, ALABAMA, ON THE OCCASION OF HER 100th BIRTHDAY.

BILLS ON SECOND READING

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 410. To amend Section 8-8-5, Code of Alabama 1975, relating to loans or credit sales to which usury laws do not apply so as to reduce the minimum interest rate exemption from the usury laws; and to repeal subsection (f) which provides that the section as it affects loans of \$25,000.00 or less shall be come null and void on July 1, 1987.

Rep. Goodwin, Chairman of the Standing Committee on Public Utilities and Transportation reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 202. To authorize the Public Service Commission to grant intra-state charter rights to any common carrier of passengers by motor vehicle regardless if such common carrier holds and operates regular route authority.

Rep. Laird, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 17. To amend Section 25-10-6, Code of Alabama 1975, which provides for the membership on the small business assistance advisory council, so as to increase legislative members on the council.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 511. To alter Blount County Commission Districts One and Two by transferring Beat 39 from District One to District Two.

H. 555. Relating to Pickens County, providing for a Microfilm Print special recording fee of \$3.00, in addition to all existing recording fees and charges, for each document filed for record in the county.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 116. Relating to Mobile County; to provide for a referendum election to determine whether the Mobile County Commission shall provide for a leash law in the unincorporated areas of the county; to empower the county commission to adopt and enforce such leash law contingent upon such referendum approval by the qualified electors of the county and to provide that the county commission may contract with an incorporated municipality in the county for enforcement of such law.

H. 119. Relating to Mobile County; authorizing the judge of probate to sell lists of voters to certain candidates and providing for the disposition of funds from said sales.

H. 299. Prescribing certain procedures to be implemented by the Mobile County board of registrars when reidentifying voters of changing their addresses and providing for supplemental effect.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 302. (With Amendment): To amend section 2 of Act No. 181, H. 117, Regular Session 1957, (Acts 1957, p. 233), relating to Mobile County

governing body, so as to require that each candidate for county commissioner must have resided within the district for which he qualifies a certain minimum period, and each county commissioner must reside within the respective district he represents during the term of office of forfeit the job.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 303. To amend Section 1 of Act No. 82-374, H. 727, 1982 Regular Session of the Legislature (Acts 1982, p. 549), which act relates to the Mobile County board of registrars, so as to provide further for the meeting dates of such board for voter registration and voter reidentification purposes.

H. 311. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, page 298), which creates and establishes the County-wide Civil Service System in Mobile County, as amended by Act No. 684, H. 594 of the Regular Session of 1976 (Acts of Alabama 1976, page 939), so as to delete the Presiding Judge of the Circuit Court and the Presiding Judge of the Court of General Sessions as members of the Supervisory Committee of the Mobile County Personal Board, and to provide for the election of a Chairman of the said Supervisory Committee.

H. 383. To allow the Mobile County Commission, at their discretion, to grant an expense allowance to the Circuit Clerk and the Circuit Register of the Thirteenth Judicial Circuit, Mobile County, Alabama, beginning in 1984.

RECESS

The House stood in temporary recess for the purpose of hearing addresses by Presidential Candidates Gerald Willis and Senator Gary Hart.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate Standing Committees, as follows:

By Rep. Moore:

H. 567. To exempt any orthotic devices, human body drainage supplies, including pouches, seals, and appliances, collection and irrigating equipment, post-operative dressings, or other therapeutic products or devices, vitamins, minerals and dietary supplements, which are used, sold, furnished, dispensed or prescribed by any physician, as defined in this Act, in the performance of his professional services from any city, county and state sales tax, and to make such exemptions retroactive.

Committee on Ways and Means.

By Rep. Moore (With Notice and Proof):

H. 568. To provide that any former mayor of the Town of Vincent, Alabama, if otherwise qualified, may reside in the town limits or outside the

town limits and shall be qualified to be elected and serve as mayor of said town.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 568, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Lauderdale (With Notice and Proof):

H. 569. To authorize the Winston County Commission to provide protection against forest fires, insects and disease within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 569, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. White (L):

H. 570. To amend Sections 34-23-30, 34-23-32, 34-23-50, and 34-23-52, Code of Alabama 1975, which provide license fees established by the board of pharmacy, so as to provide further for said fees.

Committee on Health.

By Reps. Warren, Grouby, White (F), Blake, and Johnson (Roy):

H. 571. Relating to the practice and occupations of plumbing and gas fitting work; to provide for the optional certification of such practices at a state level; to define legislative intent and definitions; to create the Alabama Board of Plumbing and Gas Certification; to provide for the composition, meetings, business, powers and responsibilities of the board; to provide for local programs of certifying plumbers and gas fitters; to administer examinations, fees, and performance bonds of applicants who seek board certification; to provide for the deposit and use of fees; to make an appropriation from the state general fund to initiate the state program; to provide exceptions to this act; to preserve local programs operating pursuant to Act No. 529, H. 977, 1949 Regular Session; to expressly authorize future local laws for local certification programs; to authorize the publishing and distribution of a list of the board's certificates; to provide for a grievance procedure for actions of the board; to provide for enforcement of the provisions of this act; to authorize reciprocal agreements with other states; and to prescribe penalties for violations of this act.

Committee on State Administration.

By Rep. Holmes:

H. 572. To repeal all exemptions to any State, County, or City sales or use tax levied by general or local law.

Committee on Ways and Means.

By Rep. Holmes:

H. 573. To amend Section 40-12-244 and repeal Section 31-2-12, and Sections 32-6-110 through 32-6-114, Code of Alabama 1975, which provide for distinctive license plates which are exempt from license taxes and registration fees for members of the national guard, so as to remove the exemption and abolish the issuance of distinctive plates.

Committee on Ways and Means.

By Rep. Butler:

H. 574. To provide that any person found guilty of violating any pari-mutuel wagering law of this state shall be guilty of a Class A felony.

Committee on Judiciary.

By Rep. Grayson:

H. 575. To provide a "State Black Archives; Research Center and Museum" at Alabama Agriculture and Mechanical University; creating a repository of source materials on Afro-American history and culture and providing authority to receive available funds and make an appropriation.

Committee on Ways and Means.

By Rep. Starkey:

H. 576. To amend Section 17-10-3, Code of Alabama 1975, relating to absentee voting, so as to permit any person who is eligible to receive a handicapped parking decal to cast an absentee vote.

Committee on Constitution and
Elections.

By Rep. Starkey:

H. 577. To amend Sections 31-6-2 and 31-6-5, Code of Alabama 1975, relating to the Alabama G.I. and Dependents' Educational Benefit Act, so as to allow the act to apply equally to male and female dependents and to remove the time limit in which a spouse eligible for benefits may seek said benefits.

Committee on Ways and Means.

By Reps. Starr, Hooper, Mikell, Buskey (John), Holmes, and McKee:

H. 578. To exempt George Lindsey Celebrity Benefit, Inc., and the Alabama Special Olympics or any predecessor organizations or entities, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Rogers, Horn, McDowell, Escott, and Pratt:

H. 579. To exempt the United American Veterans Association from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Rogers, Horn, McDowell, Escott, and Pratt:

H. 580. To exempt the Birmingham Jaycees, Inc., Birmingham, Ala-

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bama, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Mitchell:

H. 581. To create the Office Machine Products Dealerships Act; to prescribe standards for the business relationship between suppliers and dealers of office machine products, and responsibilities and liabilities of the respective parties; to prohibit wrongful termination or cancellation of a dealership and renewal refusal under certain conditions; to prescribe the distributors right to terminate for cause and to provide reasonable compensation must be paid therefor; and to define terms and to make exceptions.

Committee on Small Business.

By Rep. Dutton:

H. 582. To repeal Section 34-6-8 of the Code of Alabama 1975, relating to the prohibition of keeping, operating and exhibiting a pool or billiard table outside incorporated cities or towns.

Committee on State Administration.

By Rep. Davis (With Notice and Proof):

H. 583. To amend Section 1 of Act No. 77 of the 1964 First Special Session of the Legislature of Alabama (Acts, First and Second Special Sessions of 1964, pp. 111-112) to make such act applicable to Class I cities and to provide for an fix the sum of \$1,000.00 per month as an allowance for expenses for the mayor or other chief executive officer of any such city for which he shall not be required to file an accounting; and to provide for the effective date of such increase.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 583, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Spratt (With Notice and Proof):

H. 584. Relating to the City of Birmingham; to further amend Section 3.07(h) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, page 1004), as amended, also known as the Mayor-Council Act of 1955 so as to provide, that the existing Council employees employed under such section, within 30 days of this bill becoming law, may withdraw from membership in any pension system for general employees of a city organized under said act, upon application for such withdrawal, and that such Council employees employed under said section shall be included in such general pension system of such city upon application for membership within 30 days of appointment.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 584, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turnham:

H. 585. To make legislative findings regarding the need to provide additional methods of providing wastewater treatment facilities as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certificate of incorporation of any such corporation to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof; to authorize any such corporation to acquire, construct, own, lease, operate, or enter into contracts for the operation of, wastewater treatment facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to authorize any such corporation to sell, under installment sales agreements or other contractual arrangements satisfactory to the corporation, any wastewater facility of the corporation, and to grant options to purchase any such facility; to empower any such corporation to enter into long-term exclusive contracts for the receiving, treatment and disposal of pollutants; to empower any such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources (including installment sales agreements) specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and income (including amounts to be received under installment sales or other contractual arrangements) and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation; to provide that the notes, bonds or other obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes, bonds and other obligations of any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues and income of such corporation, such transaction or actions to which each such corporation is a party or in which it may be involved, and the notes, bonds and all other obligations of each such corporation and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for liberal construction of the provisions of this act; to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any cor-

poration organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality to enter into contracts, for a term not exceeding thirty (30) years; providing for the delivery to the corporation of pollutants and payments by such entity to the corporation; to provide that such entity may be required to make payments to such corporation with respect to such disposal and treatment of pollutants even though such corporation is at the time such payment is to be made unable to effect such treatment and disposal or such entity is at the time such payment is to be made unable to deliver such pollutants; to provide that to the extent that such contracts recite that the amounts payable thereunder shall be payable annually out of the general operating funds of such entity then such contracts shall not constitute a debt of any county, municipality of political subdivision, agency or instrumentality; to provide that any such corporation shall be a not-forprofit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

Committee on Local Government.

By Reps. Clark (D), Starkey, and Goodwin:

H. 586. To amend Section 22-21-260 of the Code of Alabama 1975, so as to exempt a Veterans Nursing Home operated by the Department of Veterans Affairs from definition as a health care facility.

Committee on Health.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Laird and Holley:

H. J. R. 116. CREATING A BUSINESS AND LABOR POLICY GROUP TO STUDY VARIOUS ASPECTS AFFECTING SMALL BUSINESSES.

WHEREAS, the Alabama Legislature hereby finds and declares:

(1) That the essence of the American economic system is free competition;

(2) That only through full and free competition can free markets, free entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured;

(3) That small business stands as a symbol of American character and spirit which includes the traits of individual initiative, self-reliance and creativity; and

(4) That small business has been a major positive factor in the political, economic and social development of the state; and

(5) That the future welfare of the state depends on the continued development of small business; and

(6) That the opportunity for all people to participate in a manner and method of their own choosing has been a hallmark of our free enterprise system; and

(7) That the people of the State of Alabama must be assured of the opportunity and right to participate in our system of free enterprise; and

(8) That it is the sense of the people of Alabama that private enterprise and small business entrepreneurship are essential to the preservation of individual liberty and freedom for all our citizens; and

(9) That all citizens of the State of Alabama have the right to live in an economically diverse society; and

(10) That all citizens of the State of Alabama have the right to own and manage their own business; and

(11) That all citizens of the State of Alabama have an equal entrepreneurial opportunity to participate in our free enterprise system regardless of race, creed and sex; and

(12) That it shall be the declared policy of the people and the legislature of the State of Alabama to preserve, protect and foster the creation, development and growth of small business in the state; and

(13) That it shall be the policy of the legislature that all agencies, departments, bureaus and instrumentalities of the state government shall take all possible measures to preserve these rights and aggressively foster small business opportunity; and

(14) That the best method of furthering such legislative policies is through the establishment of a permanent state commission for small business development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a permanent business and labor policy group to study various aspects affecting management and labor. It shall be the duty of this task force to promote the development of legislation affecting small business regulatory matters including but not limited to: taxation, licensing, loan programs, unemployment, workmen's compensation, co-employee's liability, simplification of government rules and regulations, technical assistance and assistance in industrial development for both incorporated and unincorporated small businesses. Members of the task force shall include the President of the Alabama Labor Council, the Director of the Alabama Chamber of Commerce, and two members from the business community and two members from the labor community to be appointed by the Governor for terms of four years. In addition, the Speaker of the House of Representatives shall appoint two members from the House and the Lieutenant Governor shall appoint two members from the Senate, one from business and one from labor in each respective house. The chairman of the Joint Legislative Committee on Small Business shall serve as chairman of the task force. Members of the legislature shall be reimbursed for expenses from funds appropriated for use by the legislature.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 116, was adopted.

Also:

By Reps. Laird and Fuller:

H. J. R. 117. COMMENDING MR. W. O. LANCE OF LANETT, PROMINENT ALABAMA EDUCATOR.

WHEREAS, in commendation of his outstanding career, the Alabama Legislature notes the impending retirement, July 1, 1984, of Mr. W. O. Lance as Superintendent of the Lanett City School System; and

WHEREAS, Mr. Lance's 35-year career as an Alabama educator has been one of considerable distinction, but his 21-year tenure in Lanett has been most particularly notable; and

WHEREAS, after 7 years as high school principal, Mr. Lance became Superintendent of the Lanett City Schools, his retirement position, and during these past 14 years the system has steadily progressed under his leadership; and

WHEREAS, Mr. Lance, possessed of outstanding administrative ability, also is a man of high ideals and his concern for the individual student will clearly most favorably influence the Lanett Community for many years to come; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Mr. W. O. Lance of Lanett, Alabama; we further voice gratitude for the dedication of his service in the field of education and direct that he receive a copy of this resolution in token of our sincere regard.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 117, was adopted.

Also:

By Rep. Mitchell:

H. J. R. 118. COMMENDING MR. JERRY BELK OF TUSCALOOSA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Mr. Jerry Belk of Tuscaloosa, Alabama, is a United States Army veteran who served as an infantry platoon leader in Germany during 1955-56; he is a graduate of the University of Alabama, received the M.A. degree in 1958, and completed 65 hours beyond the Masters degree level; and

WHEREAS, Mr. Belk served eight years as physical education teacher and coach at Holt High School in Tuscaloosa County, and was director of the Tuscaloosa Parks and Recreation Department from 1966-69; and

WHEREAS, for the past 15 years, he has served as Director of the Tuscaloosa County Park and Recreation Authority, during which time and under his leadership P.A.R.A. not only has experienced phenomenal growth, but has changed from a city to a county wide department encompassing three local governments; and

WHEREAS, the Authority has further established short and long range master plans for development, initiated joint school use agreements, en-

joyed enormous growth in the operating budget and has established a public relations program; and

WHEREAS, in addition to P.A.R.A., Mr. Belk also has assumed a position of leadership in such capacities as past president of the Tuscaloosa Heart Fund, Tuscaloosa Exchange Club, and Tuscaloosa County Crippled Children's Society; and

WHEREAS, other areas of involvement include the Tuscaloosa Chamber of Commerce, United Fund, University of Alabama Recreation Committee and the City P.T.A. Council, among numerous others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest praise of Mr. Jerry Belk's dedicated leadership of the Tuscaloosa County Park and Recreation Authority; we further commend him most highly for outstanding community service and direct that a copy of this resolution be forwarded to Mr. Belk in token of our regard.

On motion of Rep. Mitchell, the rules were suspended and the resolution, H. J. R. 118, was adopted.

Also:

By Reps. Gaston, Kvalheim and Kennedy:

H. J. R. 119. COMMENDING MRS. ALFRED F. DELCHAMPS, JUNIOR, MOBILE'S FIRST LADY FOR 1983.

WHEREAS, it is in pleased concurrence that the Legislature of Alabama notes the selection of Mrs. Alfred F. Delchamps, Junior, as Mobile's First Lady for 1983, a prestigious designation of the Mobile City Council of Beta Sigma Phi; and

WHEREAS, Mrs. Delchamps, who was cited for extraordinary community achievement and involvement, has indeed distinguished herself through association, leadership and service in numerous areas of civic and community concern; and

WHEREAS, a former president of both the Historic Mobile Preservation Society and Oakleigh Garden Society, Mrs. Delchamps currently serves as president of the Mobile Arts Council and is chairman of the Arts and Recreation Committee, 1984 Class of Leadership Mobile; and

WHEREAS, she further is a founding charter member of Historic Mobile Homes Tours, is a member of the Mobile Historical Preservation Authority and is a member of the board of directors of Friends of the Museum of the City of Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of Mobile in expressing gratitude to Mrs. Alfred F. Delchamps, Junior, for extraordinary accomplishment; we further congratulate Mrs. Delchamps as Mobile's First Lady for 1983 and direct that she receive a copy of this resolution in expression of the Legislature's commendatory regard.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 119, was adopted.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 120. COMMENDING ALABAMA NATIONAL GUARD OFFICERS TERRY AND MARY CARTER.

WHEREAS, in unique capacity, Alabama National Guard Officers Terry and Mary Carter are the only husband and wife to hold field grade rank in the Guard; and

WHEREAS, further, both Major Terry Carter and Major Mary Carter are members of the 226th Theatre Army Support Group in Mobile, Alabama; and

WHEREAS, at the age of 21, Major Mary Carter, who holds the B.S. degree in biochemistry and the M.S. degree in business management, commanded a WAC company at Fort Benning, Georgia; she also commanded the first company of Eskimo women to undergo basic training at Fort Richardson, Alaska, and has served additionally as executive officer to the Director of the National Guard Bureau; and

WHEREAS, Major Terry Carter, who has a B.S. degree in finance, is a former bank executive and property manager for the Mitchell Company; his commission was earned through the Alabama Military Academy and his current position with the Guard is that of director of the quality control office at the 226th TAS Group; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Majors Terry and Mary Carter of Mobile, Alabama, for outstanding achievement; we further congratulate the Carters as the Alabama National Guard's only husband and wife team to serve as field grade officers and direct that they receive a copy of this resolution as a token of our sincere admiration and regard.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 120, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 121. COMMENDING MR. ALBERT M. PHILIPS OF SILVERHILL, ALABAMA.

WHEREAS, Mr. Albert M. Philips, though a native of Gorman, South Dakota, has been a resident of Silverhill in Baldwin County, Alabama, since 1924; and

WHEREAS, through the years, Mr. Philips was variously employed as a road equipment operator; as an employee of both the telephone and electric companies; and as a postal employee who was appointed Postmaster in 1936, serving until his retirement in 1972 for a total of 36 years is said responsible capacity; and

WHEREAS, Mr. Philips further was elected to the Silverhill Town Council for three terms; he is a retired deacon of the First Baptist Church of Silverhill, and is a former longtime school trustee and served for 40 years as a trustee for the Silverhill Cemetery Association; and

WHEREAS, for the past 16 years, Mr. Philips has extended his civic

and community involvement to include regular visitation to patients confined in local hospitals and rest homes in the area; and

WHEREAS, Mr. Philips, who still resides in the same house he helped build many years ago, married the former Miss Grace Norman and they were the parents of seven children and the grandparents of 19 fine grandchildren; and

WHEREAS, in recognition of his prominence in the community and in gratitude for his many outstanding contributions, Mr. Philips has been named the Town of Silverhill's Citizen of the Year, a designation we today note in highest commendation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of Silverhill, Alabama, in expressing sincere praise of Mr. Albert M. Philips, and direct that he receive a copy of this resolution in token of our utmost regard.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 121, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Kvalheim and Gaston:

H. R. 122. COMMENDING MRS. MARILYN BATES AS PRESIDENT OF THE MOBILE COUNTY BOARD OF REALTORS.

Also:

The following resolutions were introduced:

By Rep. Holmes:

H. J. R. 123. DIRECTING THE VARIOUS STATE DEPARTMENTS AND AGENCIES TO CEASE DISTRIBUTION OF FOOD STAMPS, FUNDS, COMMODITIES, STATE SERVICES OR ANY OTHER THING OF VALUE TO NON-UNITED STATES CITIZENS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct the Department of Pensions and Security, the Alabama Department of Economic and Community Affairs and all other affected state departments and agencies to immediately cease distribution of food stamps, funds, commodities, state services or any other thing of value to non-United States citizens residing in the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Commissioner of the Department of Pensions and Security, to the director of the Department of Economic and Community Affairs and to the heads of all other state departments and agencies engaged in the distribution of funds, services and things of value as hereinabove enumerated.

RESOLVED FURTHER, That a copy of this resolution also be forwarded to Governor Wallace that he may be aware of this directive of the Legislature and of the Legislature's opposition to the disbursement of funds and other things of value to non-American citizens residing in our state.

The resolution, H. J. R. 123, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Hooper, McKee, Holmes, Buskey (John), Mikell and Starr:

H. J. R. 124. COMMENDING MONTGOMERY'S CLOVERDALE JUNIOR HIGH SCHOOL BASKETBALL TEAM, RUNNER-UP FOR THE STATE CHAMPIONSHIP.

WHEREAS, the Alabama Legislature most highly commends and extends heartiest congratulations to the Tigers of Montgomery's Cloverdale Junior High School on their outstanding 1983-84 basketball season; and

WHEREAS, under the talented direction and leadership of Head Coach Terry Posey and Assistant Coach Jim Nunnelee, the Cloverdale Tigers ended their regular season schedule with a fantastic 21-1 record, finishing 26-2, overall, following the post-season playoffs; and

WHEREAS, as county champions by virtue of victory over Carver Junior High, the Cloverdale cagers, wearing red and white, claimed both their area and regional crowns, beating Prattville and South Girard respectively, losing only in the finals to the state champions, Johnson Junior High of Huntsville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Coaches Posey and Nunnelee and their Cloverdale Tigers on their spectacular 1983-84 basketball season.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Athletic Director Ellie McKissick on behalf of the coaches, staff and team, with a copy also forwarded to Principal Glen Adams for appropriate display at Cloverdale Junior High School, Montgomery, Alabama.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 124, was adopted.

Also:

By Rep. Jenkins:

H. R. 125. MEMORIALIZING THE PRESIDENT AND CONGRESS TO STOP AID AND TRADE TO COMMUNIST NATIONS.

WHEREAS, The president and the Congress possess the constitutionally mandated authority to stop the sale and licensing for sale to the Soviet Union and other Communist nations of American equipment, supplies, and technology; and

WHEREAS, These same national officials also have authority to stop all loans, credits and rescheduling of debts with all Communist nations and further to terminate all pacts that lead to indirect U.S. financing of Communist nations; and

WHEREAS, The people of the United States are currently being taxed approximately \$200 billion annually to defend our nation against a Communist military might that has largely been built with American aid and trade; and

WHEREAS, The termination of these various types of aid and trade to the Soviet Union and other Communist nations would reduce the potential

for nuclear war by denying these potential adversaries vital funding, equipment and technology; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby respectfully urge President Ronald W. Reagan and the Congress to take appropriate action to stop supplying any kind of funding, aid, and trade to the Soviet Union and other Communist nations.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to President Reagan and to the members of Alabama's Congressional Delegation.

On motion of Rep. Junkins, the rules were suspended and the resolution, H. R. 125, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 126. COMMENDING HOKES BLUFF HIGH SCHOOL ON ITS OUTSTANDING BASKETBALL SEASON.

Also:

By Reps. Hooper, Seibels, Kvalheim, Bachus, Gaston, White (G) and Beers:

H. J. R. 127. INVITING VICE PRESIDENT GEORGE BUSH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to Vice President George Bush to address the Alabama Legislature at his earliest convenience, on which date and at a time to be set, the Legislature shall convene in joint session to hear Vice President Bush's remarks.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to forward a copy of this resolution to Vice President Bush, in invitation to address the Legislature and in hopeful anticipation of his acceptance.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 127, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Coleman and Rains:

H. R. 128. COMMENDING DR. WALTER JOHNSTON ALVES, PROMINENT MARSHALL COUNTY PHYSICIAN.

Also:

The following resolutions were introduced:

By Reps. Nicholson and Brakefield:

H. J. R. 129. COMMENDING WALKER REBELS.

WHEREAS, the Legislature of the State of Alabama has noted with great pride that Walker College on March 7, 1984, won the Alabama State Junior College tournament; and

WHEREAS, this is the sixth State Championship for the Walker College Rebels, including the past two championships; and

WHEREAS, the Rebels have compiled a record of 21-7 under the guidance of Coach Glen Clem — resulted in teamwork and sportsmanship which serves as an inspiration for us all; and

WHEREAS, the Legislature has further noted that Norris Gurley was named the Most Valuable Player in the State Tournament and fellow Rebels Jeff Guthrie, Floyd Calhoun and Eddie Bullock were also named to the all tournament team; now therefore

BE IT THEREFORE RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA WITH BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Glen Clem and the Walker College Rebels on their achievements and further wish them good luck and success in the NJCAA Tournament; and

BE IT FURTHER RESOLVED, That Walker College, Glen Clem, Norris Gurley, Jeff Guthrie, Floyd Calhoun and Eddie Bullock be given copies of this resolution so that they may know of our high regard and best wishes.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 129, was adopted.

Also:

By Reps. Bowling, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 130. MOURNING THE DEATH OF MR. FINIS EWING ST. JOHN, JUNIOR, OF CULLMAN, ALABAMA.

WHEREAS, the Legislature of Alabama, in deep sadness and regret, records the death of Mr. Finis Ewing St. John, Junior, of Cullman, Alabama, on March 6, 1984, at the age of 74 years; and

WHEREAS, a native and lifelong resident of Cullman and the son of Finis Ewing and Nellie Maude Fuller St. John, Mr. St. John, Jr., was a distinguished Alabama jurist who served in the Alabama Legislature, as had his father before him; Mr. St. John represented Blount, Cullman and Winston Counties, Alabama's Third Senatorial District, during the administrations of Governors Dixon and Sparkman; and

WHEREAS, Mr. St. John, who was a graduate of Marion Military In-

stitute, received his pre-law education at Howard College; he graduated from the University of Alabama School of Law with the LL.B. degree in 1931, and since that time had been engaged in the private practice of law in Cullman; and

WHEREAS, Mr. St. John's prominence in the State of Alabama was reflected in the considerable extent of his professional involvement, in his activities within the business community and through his commitment to church and civic affairs; and

WHEREAS, he as a former president of Improved Savings and Loan Association, now First Federal, and was a director of Parker Bank; he further was a member and past president of the Cullman Bar Association and was a member of both the Alabama and American Bar Associations, the American Judicature Society, and had been distinguished as a Fellow of the American College of Trial Lawyers; and

WHEREAS, Mr. St. John was a communicant of Grace Episcopal Church of Cullman and was a member and past president of the Cullman Kiwanis Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Finis Ewing St. John, Junior, of Cullman, Alabama, and extend our very deepest and personal sympathy to his beloved wife, Mrs. Mary Jackson St. John; to their two sons, Senator Finis E. St. John, III, and Mr. Warren J. St. John; to their five grandchildren and other family members.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Mr. St. John's family, whose sorrow we truly share and for whom we express our most heartfelt concern.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 130, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 131. REQUESTING THE GOVERNOR TO EFFECT A MORATORIUM ON ALL EMPLOYEE HIRINGS BY STATE AGENCIES.

WHEREAS, the numerous state funds have insufficient revenues to fund fully the state services needed and deserved by the citizens of Alabama, and

WHEREAS, the Legislature strongly desires to have these services provided to the state's citizens, and

WHEREAS, there exists an immediate need to better control the expenditure of state tax revenues and to improve the state's financial condition, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we hereby respectfully request the Governor of the State of Alabama to issue an executive order directing a moratorium on all hirings by any department, agency, board, or bureau of the State.

BE IT FURTHER RESOLVED, that any exceptions to this executive order relating to the replacement of present employees can only be made

upon written request from the head of the department, agency, board, or bureau to the Governor. If the Governor determines that an emergency exists, he may grant written permission for that hiring to be considered temporary upon approval by the Legislative Council.

BE IT FURTHER RESOLVED that any exceptions to this direction relating to the creation and filling of new employee positions shall only be granted upon the written approval of the Governor with the concurrence of the Legislative Council.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Governor.

SUBSTITUTE OFFERED

Rep. Starkey offered the following substitute to the resolution, H. J. R. 131:

URGING GOVERNOR WALLACE TO ISSUE IMMEDIATELY A MORATORIUM ON HIRING ANY ADDITIONAL EMPLOYEES.

WHEREAS, it is an irrefutable fact that the general fund is in critical condition with anticipated revenues insufficient to cover even basic operational costs and other committed indebtedness of the State; and

WHEREAS, the numerous suggested remedies or cure-alls being prescribed for these ills include an imposition of additional taxes upon the citizens of this state who already suffer an overdose of taxation; and

WHEREAS, a source of readily available relief, however, lies close at hand in the form of an immediate 12-month freeze on hiring any new or additional state employees either within or without the state merit system, classified, unclassified, temporary, permanent, part-time or full-time; and

WHEREAS, it is reliably estimated that such a move would result in savings to the general fund of some \$25 million during the 12-month period; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge Governor George C. Wallace to immediately issue a moratorium on hiring any additional state employees for a period of one year.

BE IT FURTHER RESOLVED, That we respectfully request Governor Wallace to direct all department and agency heads to strictly adhere to the letter and intent of said moratorium as hereinabove outlined.

And the substitute was adopted.

Yeas 48; Nays 22.

Yeas:

Mr. Speaker, Bachus, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Burke, Butler, Campbell, Carter, Clark (J), Coburn, Coleman, Cosby, Crow, Ford, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hooper, Laird, Lindsey, McKee, McMillan, Mathis, Mikell, Mitchell, Nicholson, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Turner, Venable, White (G), White (L) and Zoghby.

Nays:

Reps.: Adams, Black, Bryant, Buskey (James), Buskey (John), Gaston, Gray, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, McDowell, McNair, Newman, Onderdonk, Perdue, Rains, Thomas, and Trammell.

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MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Starkey to suspend the rules and adopt the resolution:

H. J. R. 131. URGING GOVERNOR WALLACE TO ISSUE IMMEDIATELY A MORATORIUM ON HIRING ANY ADDITIONAL EMPLOYEES.

As amended, was lost, lacking a four-fifths vote.

Yeas 63; Nays 16.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Burke, Butler, Campbell, Carter, Clark (J), Coburn, Coleman, Cosby, Crow, Ford, Gaston, Goodwin, Gray, Grimsley, Hall, Hammett, Harper, Harvey, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lindsey, McKee, McMillan, Mathis, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Trammell, Venable, Warren, White (G), White (L) and Zoghby.

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Nays:

Reps.: Black, Bryant, Bugg, Buskey (James), Buskey (John), Davis, Grayson, Holmes, Horn, Kennedy, McDowell, McNair, Parker, Perdue, Thomas and Turner.

—16

The resolution, H. J. R. 131 as amended, was read and referred to the Standing Committee on Rules.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 131:

Mr. Speaker, Adams, Bachus, Beers, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Burke, Campbell, Carter, Clark (J), Coleman, Cosby, Crow, Ford, Gaston, Gray, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, Lindsey, McKee, McMillan, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Penry, Poole, Pratt, Preuitt, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Tanner, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

REPORT FILED

Pursuant to the House Joint Resolution 8, Act. No. 83-251 of the Legislature of Alabama, Rep. W.C. Bowling, Chairman, submitted the report

adopted by the Joint Interim Vocational Education Study Committee, and the report was ordered filed.

BILLS ON THIRD READING

Pursuant to Chapter 20, Code of Alabama, 1975, Section 41-20-1, the House proceeded with the consideration of the following bills relating to the Alabama Sunset Law.

And the bill:

S. 27. Relating to the existence and functioning of the state board of Social Work Examiners provided for in Section 34-30-50, et seq. of the Code of Alabama 1975, amends Section 34-30-29 so as to specify the period of time for continuing supervision of licensed bachelor social workers and amends Section 34-30-56 so as to require publications of notice of meetings.

Was read a third time at length and passed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Ford, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McDowell, McMillan, Martin, Mathis, Mikell, Mitchell, Newman, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—71

And the bill:

S. 28. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology as provided in Sections 34-26-1 through 34-26-48, Code of Alabama 1975, and the Legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Boles, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Ford, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillian, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starr, Tanner, Thomas, Trammell, Turner, Warren, White (F), White (G), White (L) and Zoghby.

—82

And the bill:

S. 29. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Public Accountancy as provided in Sections 34-1-1 through 34-1-22, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Ford, Gaston, Goodwin, Gray, Grimsley, Grouby, Hammett, Harper, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (G), White (L) and Zoghby.

—81

And the bill:

S. 31. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Service as provided in Sections 34-13-1 through 34-13-31, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 75; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Blake, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Pratt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Venable, White (F), White (L) and Zoghby.

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Nays: Reps.: Gray and Grimsley.

—2

And the bill:

S. 32. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Ford, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—81

And the bill:

S. 33. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Alcoholic Beverage Control Board as provided in Sections 28-3-40 through 38-3-53, Code of Alabama 1975, and the legislature's concurrence thereof.

Was taken up.

SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the bill, S. 33:

A BILL TO BE ENTITLED AN ACT

To regulate the purchase, possession, manufacture, distribution and sale of alcoholic beverages; to provide for the sale of alcoholic beverages by private businesses; to provide for a phase out period of the Alabama Alcoholic Beverage Control Board; to provide for the liquidation of inventories and facilities of the Alcoholic Beverage Control Board and the distribution of the proceeds therefrom; to provide for the issuance of any permits, licenses and the administration of this Act; to provide penalties for violations of the provisions of this Act; and to repeal conflicting statutes.

Be It Enacted By the Legislature of Alabama:

Section 1. Definitions. — The following words and phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(a) The words "alcoholic beverage" means liquid capable of being consumed as a beverage by a human being, but shall not include wine containing not more than four percent of alcohol by weight and shall not include beer containing not more than four percent of alcohol by weight.

(b) The word "alcohol" means the product of distillation of any fermented liquid, whatever the origin thereof, and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol.

(c) The term "board" shall mean the Alcoholic Beverage Control Board.

(d) The words "wine" or "vinous liquor" mean any product obtained

from the alcoholic fermentation of the juice of sound, ripe grapes, fruits or berries, and made in accordance with the revenue laws of the United States.

(e) The word "person" means and includes any individual, partnership, corporation, association or other legal entity whatsoever.

(f) The word "manufacturer" means any person engaged in manufacturing, distilling, rectifying, blending or bottling any alcoholic beverage.

(g) The word "wholesaler" means any person, other than a manufacturer, engaged in distributing or selling any alcoholic beverage at wholesale for delivery within or without this state when such sale is for the purpose of resale by the purchaser.

(h) The word "retailer" means any person who sells, distributes, or offers for sale or distribution any alcoholic beverage for use or consumption by the purchaser and not for resale.

(i) "Municipality" shall mean any incorporated city or town of this state, and its police jurisdiction.

(j) The term "hotel" shall mean establishments within the state of Alabama defined as places where, in consideration of payment, food and lodging are habitually furnished to travelers and wherein are located at least twenty adequately furnished, completely separate sleeping rooms, with adequate facilities therein under one continuous roof, so comfortably disposed that persons usually apply for and receive overnight accommodations therein, in the course of usual and regular travel, or as a residence and which establishment operates a regular dining room constantly frequented by customers each day. This definition shall also include motels.

(k) "Restaurant" shall mean a reputable place, operated by a responsible person of good reputation, and habitually and principally used for the purpose of providing food for the public; such place to have an area within a building of not less than one thousand square feet on one floor in one room equipped with tables and chairs, accommodating at least fifty persons at one time and a kitchen apart from such area of one thousand square feet but adjoining same, regularly used for the preparation of food for the public, and in which kitchen the food or meals served in such places are prepared.

(l) The term "club" shall mean a corporation or association organized or formed in good faith by authority of law, and which must have at least one hundred fifty paid-up members. It must be the owner, lessee or occupant of an establishment operated solely for the objects of a national, social, patriotic, political, or athletic nature, or the like, but not for pecuniary gain, and the property as well as the advantages of which belong to all the members and which maintains an establishment provided with special space and accommodations where in consideration of payment, food with or without lodging is habitually served. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot, and charge and collect dues from elected members.

(m) "Malt" or "brewed beverages," means any beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume, by whatever name the same may be called.

(n) "Package" shall mean any container or containers, or receptacle or

receptacles, used for holding liquor or alcoholic beverages, as marketed by the manufacturer.

(o) "Sale" or "sell," shall include any transfer of liquor, or malt or brewed beverages for a consideration, and any gift in connection with, or as a part of, a transfer of property other than liquor, or malt or brewed beverages, for a consideration.

(p) The term "applicant" shall mean and include each member of a partnership or association and all officers and the owner or owners of the majority of the corporate stock of a corporation, as of the date of the application.

(q) Unless the context clearly indicates otherwise, the term "license" and the term "permit" as used herein shall be interchangeable and shall mean that privilege permitted by the State of Alabama for the sale of alcoholic beverage for a stated period.

Section 2. There shall be a transition and phase-out period of two years from January 1, 1985, to phase out the Alabama Alcoholic Beverage Control Board and to fully implement the provisions of this act no later than January 1, 1987. It is the intent of the legislature that this transitional period shall be used to orderly transfer the sale of alcoholic beverages to private businesses.

(a) The Alabama Alcoholic Beverage Control Board, commencing January 1, 1985, and each year thereafter to January 1, 1987, shall liquidate its physical operations and its inventory at the rate of at least fifty percent per annum. As such stores are closed, the inventory of those stores shall be transferred to existing stores operated by the Alabama Alcoholic Beverage Control Board or shall be sold by the director of finance to licensed retailers on the basis of competitive bids. All proceeds generated by such sales shall be deposited by the director, as received, in the State treasury to the credit of a fund to be designated the Alcoholic Beverage Liquidation Fund.

(b) The fifty percent liquidation rate per annum shall be accomplished in the following manner:

(1) The physical facilities and inventories located within each county where alcoholic beverages are sold shall be phased out by reducing the operations of the stores in each such county by fifty (50) percent each year for two years, commencing January 1, 1985.

(2) Provided, however, in those counties where there are less than five stores in operation as of January 1, 1985, the rate of liquidation shall be at a rate determined by the Alabama Alcoholic Beverage Control Board promulgating a policy based on the convenience for consumers and economic soundness for the state.

(3) During the phase-out period, the commissioner of revenue may issue permits and licenses to qualified persons for the sale of alcoholic beverages, pursuant to the provisions of this act.

(4) Commencing January 1, 1985, and continuing until the final store operated by the Alabama Alcoholic Beverage Control Board is closed, any person who is engaged in the sale of alcoholic beverages in this state shall be subject to a minimum price control as promulgated by the Alabama Alcoholic Beverage Control Board, and no person shall sell alcoholic beverages for less than the prices promulgated. The board minimum promulgated shall not be in excess of the price of any item of its existing inventory; provided, however, that any item for sale and subject to price control which is

not then sold by the Alabama Alcoholic Beverage Control Board shall be determined by a policy to be promulgated by the board.

(c) Any state merit system employee who loses his job as a direct consequence of the provisions of this act shall be entitled to 5 additional points on any state examination for appointment to the classified service for a period of two years following his lay-off. The state personnel department and the department of revenue in filling vacancies within the department of revenue will give any such employee first preference if his service rating is as good or better than those of others in his class.

(i) It is expressly provided that any such state merit system employee, who loses his job as a direct consequence of this act, shall be given first preference, for a period of two years, as an applicant for any license or permit under the provisions of this act upon qualifying otherwise therefor.

(ii) Any licensee, under the provisions of this act, who employs full-time, for a period of twelve consecutive months or longer, any such displaced state merit system employee, shall be given a fifty percent discount on the following year's license or permit fees.

(d) During the period of transition and phase-out the administrator of the Alabama Alcoholic Beverage Control Board, the director of finance, the commissioner of revenue and the director of the department of personnel shall coordinate their respective responsibilities hereunder to effect the provisions of this act.

Section 3. All powers, duties, and authority heretofore conferred on, vested in, or required of the Alabama Alcoholic Beverage Control Board, the administrator, or the individual members thereof as they relate to the purchase, distribution and sale of alcoholic beverages in the State of Alabama are hereby conferred on, vested in, and required of the director of the state department of finance to be exercised by him for the sole purpose of liquidating inventories and other properties of the board toward the end that the State of Alabama shall cease to operate or participate in the operation, sale or distribution of alcoholic beverages in the state.

Section 4. After January 1, 1987, no additional purchases of alcoholic beverages shall be made by the Alcoholic Beverage Control Board or the director of the department of finance on behalf of the State of Alabama. All inventories of alcoholic beverages on hand in retail stores, warehouses, or purchased and in transit shall be sold on the basis of competitive bids by the director. All other properties both real and personal heretofore used by the Alcoholic Beverage Control Board of the State of Alabama, in connection with the sale and distribution of alcoholic beverages shall be sold or disposed of by the director of finance on the basis of competitive bids, or otherwise, as he may determine to be in the best interest of the State of Alabama.

Section 5. All proceeds of the sale of inventories and properties of the Alcoholic Beverage Control Board shall be deposited by the director of finance, as received, in the state treasury to the credit of a fund to be designated the alcoholic beverage liquidation fund. All expenses incurred in liquidation of the assets of the board upon approval for payment by the director of finance, shall constitute a first charge against the fund. Liquidation of the inventories and properties as herein provided shall be completed by not later than January 1, 1987, and any balance of unencumbered funds remaining in the alcoholic beverage liquidation fund after that date shall be transferred to the state treasury to the credit of the department of revenue.

Section 6. Each county of the state now designated a "wet county" and each county now designated a "dry county" shall remain wet or dry as the case may be until such designation is changed in an election held for that purpose in accordance with provisions Sections 28-1-1 and 28-2-1, Code of Alabama 1975. Provided, however, the court of county commissioners, board of revenue or other like governing body of any county now designated a "wet county" may by resolution or ordinance, duly adopted, license and further regulate any retail outlet in such county engaged in business of selling alcoholic beverages at retail, and shall be empowered to appropriate the proceeds of any such license for local purposes.

Section 7. Nothing in this act shall be construed to repeal any laws relating to the imposition of a license or other tax upon the manufacture, sale and distribution of alcoholic beverages in the state, or of any laws applicable to dry counties with respect to the manufacture, distribution, sale or possession in those counties of illicit liquors as defined by Section 28-4-1, Code of Alabama 1975.

Section 8. The issuance of any permits or licenses, the adoption of and promulgation of rules and regulations, and the enforcement thereof, relating to the sale and purchase of any alcoholic beverages shall be administered by the state commissioner of revenue. No employee of the commissioner shall, directly or indirectly, have any interest whatsoever in manufacturing, selling, transporting, distributing, storing, or otherwise dealing in alcoholic beverages, except in the performance of his official duties.

Section 9. The state commissioner of revenue shall, by the adoption and promulgation of reasonable rules and regulations, establish appropriate regulatory procedures for the importation of all distilled spirits and alcohol into this state to ensure that all taxes heretofore or hereafter imposed upon such items shall be paid and collected as provided for herein.

It shall constitute a misdemeanor for any person, firm or corporation to transport any alcoholic beverages or liquors in any county of this state unless the tax on said alcoholic beverages or liquors has been paid and the evidence thereof attached to the container as provided herein, except that a common carrier may transport such beverages to the warehouse of a licensed manufacturer or licensed wholesaler in accordance with rules and regulations adopted by the state commissioner of revenue. Any vehicle used to transport alcoholic beverages or liquors in violation of this section, with the knowledge and consent of its owner, shall be subject to confiscation upon declaration being filed for the purpose by any district attorney or like officer of any municipal or district court, or attorney general, in this state having jurisdiction thereof, under the rules of law now governing the confiscation and condemnation of vehicles used in transporting liquors. Provided, however, it shall be lawful for bona fide claimants of such vehicles to file claim and replevy such property pending condemnation proceedings.

Section 10. The fiscal authorities of any county or municipality may require that any officer who receives a salary as compensation shall remit any sums to which he may become entitled by virtue of the seizure and condemnation of any vehicle or conveyance used in conveying any liquors or beverages prohibited by law to the treasury of such county or municipality from which such salary is paid. All actions of any kind to collect any such sums from any county, municipality or any officer thereof for which the right of action has accrued prior to the passage of this section shall be brought within 90 days after the enactment of this section or be forever barred; any and all actions to recover on rights of action accruing after the

enactment of this section shall be brought within 90 days after such rights of action accrue or be forever barred.

Section 11. The department of revenue, in addition to all other powers and duties heretofore or hereafter given to it, shall have the following powers, functions and duties relating to the sale and purchase of alcoholic beverages within the State of Alabama:

(a) To issue or refuse to issue any permit provided for by this Act, or to extend the permit, or remit in whole or in part of the permit monies when the permit cannot be used due to a natural disaster or act of God.

(b) To revoke, suspend or cancel, for violation of or noncompliance with the provisions of this Act, or any lawful rules and regulations of the board issued hereunder, or for other sufficient cause, any permit issued by it under the provisions of this Act; however, no such permit shall be revoked, suspended or cancelled except after a hearing of which the permit holder shall have been given reasonable notice and an opportunity to be heard.

(c) To prescribe forms of permits and applications for permits and of all reports which it deems necessary in administering this Act.

(d) To fix standards, not in conflict with those prescribed by any law of this state or of the United States, to secure the use of proper ingredients and methods of manufacture of alcoholic beverages.

(e) To try any of his employees; and to dismiss them as provided for in section 29 if found guilty.

(f) To issue licenses provided for in this Act and to decline to issue any license to any person or corporation who in his reasonable discretion are not proper persons to have such permits. Any person, firm, or corporation who after securing a permit as provided in this Act shall be convicted in a court of competent jurisdiction of selling or serving spirituous liquors on the premises in broken packages of any size shall immediately have their license revoked and it shall be mandatory on said state commissioner of revenue to revoke said license.

(g) To revoke or cancel for cause after hearing any license issued by him under authority of this Act.

(h) To provide forms for application for licenses and of all reports which he deems necessary in administering the same.

(i) To fix standards not in conflict with those prescribed by the laws of this state and of the United States.

(j) To issue rules and regulations governing all advertising of distilled spirits within this state.

(k) To issue rules and regulations not inconsistent with the federal laws or regulations requiring informative labeling of all distilled spirits offered for sale hereunder.

(l) To adopt and promulgate, repeal and amend such rules, regulations, standards, requirements and orders not inconsistent with this Act or any law of this state or of the United States as he may deem necessary to control the manufacture, sale, distribution, storage, or transportation of distilled spirits and alcohol in accordance with the provisions herein.

(m) The state commissioner of revenue shall on the first day of January of each and every year, after the provisions of this Act go into effect, pre-

pare a detailed report of its operation, which shall be submitted to the Governor; and also to each member of the legislature upon the convening thereof in regular session.

(n) Agents and inspectors appointed by the state commissioner of revenue for the enforcement of the provisions of this Act are empowered and authorized to enter upon the premises of any person engaged in the manufacture, sale, distribution, storage, or transportation of alcoholic beverages and liquors at any time for the purpose of inspecting said premises and shall have access during such inspection to all books, records, and supplies relating to the manufacture, sale, distribution, storage, and transportation of alcoholic beverages and liquors.

(o) It is made the duty of the commissioner of revenue to revoke or cancel any license issued pursuant to the authority of this Act for any willful violation of any of the provisions of this Act, or for the willful violation of any rule promulgated by the commissioner of revenue under the terms and provisions of this Act; and after revocation or cancellation, there shall be no renewal of reissuance of such license for a period of two years from the date of revocation or cancellation.

Section 12. (a) A manufacturer's license shall authorize the holder thereof to operate a distillery for the production of alcohol or distilled spirits at the premises designated in the license. Such license shall authorize the sale of distilled spirits of alcohol in bulk to other distillers or rectifiers and shall require that sales to holders of wholesale licenses shall be in sealed containers. The annual fee for this license shall be \$5,000; provided, however, that for Alabama domestic manufacturers of vinous spirits the annual fee for a period of ten years from January 1, 1985, shall be \$750.00 and thereafter the fee shall be \$1,500.00 annually. Said licenses shall be obtained each year on or before the first day of October.

(b) A wholesaler's license shall authorize the holder to engage in the sale of distilled spirits at wholesale by selling to the holder of a wholesale license or to the holder of a retail license for the purpose of resale. Said license fee shall be \$2,000 annually. Said licenses shall be renewed annually on or before the first day of October.

(c) A package retailer's license shall authorize the holder to sell only in the original and unbroken package or packages, which package or packages shall contain not less than one-half pint of distilled spirits or alcoholic beverages each, and shall not permit the breaking of said package or packages on the premises where sold, and shall not permit the drinking of the contents of said package or packages or of any mixed drinks on the premises where sold. The annual fee for this license shall be \$1,000.00. Said retailer's license shall be obtained or renewed each year on or before the first day of October.

(d) An on-premises retailer's license shall authorize the sale of alcoholic beverages for consumption on the licensed premises only. Such permit shall be issued only to qualified hotels, restaurants and clubs, and to common carriers with adequate facilities for serving passengers. In resort areas, whether inside or outside of a municipality, the department of revenue may, in its discretion, issue on-premises retailer's license to such establishments as it deems proper. An on-premises retailer's license when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. The

annual fee for this license shall be \$1,000.00. Said on-premises retailer's license shall be obtained or renewed each year on or before the first day of October.

(e) A combination package and on-premises retailer's license shall authorize the holder to sell in the original and unbroken package or packages as well as alcoholic beverages for consumption on the licensed premises; provided, however, no package or packages which are in the original and unbroken package may be consumed on the premises. Any licensee under this section shall be subject to the provisions of Section 11(d) and Section 12 of this Act; provided, however, that such licensee shall be permitted to sell mixed drinks, malt or brewed beverages, or alcoholic beverages in containers of one-half pint or less, separate and apart from the package sales. The annual fee for this license shall be \$1,750.00. Said combination package and on-premises retailer's license shall be obtained or renewed each year on or before the first day of October.

(f) A solicitor's license shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper license, to solicit on behalf of his employer orders for alcoholic beverages and to otherwise promote his employer's products in a legitimate manner. Such a license shall authorize the representation of and employment by one principal only; however, the licensee may also, in the discretion of the board, be issued additional licenses to represent other principals. No such licensee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such license otherwise than through a license issued to a wholesaler or manufacturer in the state. The annual fee for this license shall be \$500.00. Said solicitor's license shall be obtained or renewed each year on or before the first day of October.

Section 13. It shall be unlawful for any package retailer, as herein defined, to allow or permit the breaking of said package or packages on the premises where sold or to allow or permit the drinking of the contents of said package or packages on the premises where sold and any violation thereof shall be a misdemeanor, and the offender thereof shall be guilty of a misdemeanor, and, upon conviction, be punished as for a misdemeanor.

Section 14. Nothing in this Act shall be construed as preventing any municipality or county from adopting all reasonable rules and regulations as may fall within the police powers of such municipalities or counties to regulate any business provided for in this Act. All municipal and county authorities issuing licenses shall within their respective jurisdiction have authority to determine the location of any distillery, wholesale business, or retail business licensed by them.

The state commissioner of revenue shall issue rules and regulations governing the issuance of retail permits for premises located near or around schools, colleges, universities, churches and other public institutions, and specifying the distances therefrom within which no such permit shall be issued. The sale or consumption of alcoholic beverages in or on the campus of any public school or college, or at any public athletic event at any grammar or high school or any college shall be prohibited. No authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this Act within four hundred feet of any church, school, kindergarten or funeral home. Provided, however, within an area zoned commercial or business such minimum distance shall be not less than one hundred feet.

Section 15. No license shall be granted by the commissioner of reve-

nue until the applicant has exhibited a license granted by the municipality, if the place of business to be conducted is within the corporate limits of a municipality, or by the governing authorities of the county where the place of business to be conducted is located, if such place of business is outside the corporate limits of a town or city, and the local authority issuing this license shall have full authority to pass on the character, reliability, and other qualities of fitness before issuing such license.

Section 16. All persons holding licenses under this Act shall display the same prominently at all times on the premises for which same was issued.

Section 17. It shall be unlawful for any manufacturer, wholesaler, or retail distributor, or any person to ship or transport by any means whatsoever any of the distilled spirits or alcohol into any county, in which county the manufacture, distribution, and sale of such distilled spirits or alcohol has not been authorized under the terms of this Act or its amendments; provided, however, nothing herein contained shall prevent any manufacturer or wholesaler or retail distributor from shipping or transporting such liquors through such counties or municipalities where the destination of such liquors is beyond the limits of such county.

Section 18. Any person guilty of violating the provisions of Section 17 shall be guilty of a misdemeanor, and upon conviction shall be punished as for a misdemeanor, and furthermore upon conviction shall have his license revoked by the commissioner of revenue and no other license shall be issued to such person, firm, or corporation within a period of 12 months from day same was revoked.

Section 19. It shall be unlawful for any person, firm, or corporation to sell, possess, conceal, store, or convey any vinous, malt, or spirituous liquors or beverages whereon any tax of license fee is imposed by this Act, and upon which such tax or license fee has not been paid; and any peace officer or agent of the state commissioner of revenue shall have the authority and it shall be his duty to declare contraband any distilled spirits or alcohol which does not bear the revenue stamps of the state, or that is found without such stamp whether for sale or otherwise, in any county, in the state where the sale of such distilled spirits and alcohol is not authorized under the terms of this Act or its amendments; all contraband liquors, distilled spirits or alcohol, seized as contraband, shall be immediately delivered to the state commissioner of revenue, or persons designated by the commissioner to receive the same, and by them either destroyed or sold at public sale, under such rules and regulations as the commissioner shall hereafter adopt, and the proceeds of such sale retained by the commissioner and paid over to the lawful authority to receive revenue from the sale of liquor; but nothing in this Act shall prohibit the other law enforcement agents and officers of this state from seizing and prosecuting persons illegally possessing or selling distilled spirits and alcohol in counties in the state where the sale of same has not been authorized by this Act or its amendments. The authority to seize as contraband distilled spirits and alcohol as set out herein shall extend to counties where the sale and possession of the same is made legal by this Act or any of its amendments where such liquors, distilled spirits, or alcohol are sold contrary to the provisions hereof or found in possession of any person, firm, or corporation, and not bearing the prescribed stamps showing taxes paid thereon in this state.

Section 20. The commissioner of revenue or his agents are also authorized, and it shall be their duty, to secure warrants or other form of

criminal process against all offenders in counties where the sale of distilled spirits and alcohol is not authorized under the terms of this Act, and in counties where the sale of distilled spirits and alcohol is authorized under the terms of this Act but where the same is being sold contrary to the provisions hereof, and the commissioner of revenue or his agents are authorized, and it shall be their duty, to prosecute such offenders.

Section 21. (a) Application for permits shall be in such form and shall contain such information as shall be required by the regulations of the department of revenue.

(b) Every applicant for each type of authorized permit shall give notice of such application by publication for three consecutive issues in a newspaper of general circulation published in the city or town in which applicant's place of business is located. However, in such instances where no newspaper is published in the city or town, then the same shall be published in a newspaper of general circulation published in the county where the applicant's business is located. If no newspaper is published in the county, the notice shall be published in a qualified newspaper which is published in the closest neighboring county and circulated in the county of applicant's residence. Such notice shall be printed in acceptable legal form setting forth the type of permit applied for, the exact location of the place of business, the name of the owner or owners thereof, and if operating under an assumed name, the trade name together with the names of all owners, and if a corporation, the names and titles of all officers. The cost of such notice shall be borne by the applicant.

Section 22. No permit of any type shall be issued by the department of revenue until the applicant has first filed with said department a sworn statement disclosing all persons who are financially involved in the operation of the business for which the permit is sought. If an applicant is an individual, he will swear that he owns one hundred percent (100%) of the business for which he is seeking a permit. If the applicant is a partnership, all partners and their addresses shall be disclosed and the extent of their interest in said partnership shall be disclosed. If the applicant is a corporation, the total stock in said corporation shall be disclosed and each shareholder and his address and the amount of stock in said corporation owned by him shall be disclosed. If the applicant is a trust, the trustee and all beneficiaries and their addresses shall be disclosed. If the applicant is a combination of any of the above, all information required to be disclosed above shall be required.

All such disclosures shall be in writing and kept on file in the department of revenue and shall be available to the public.

Every applicant must, when applying for a renewal of his permit, disclose any change in the ownership of said business or any change in the beneficiaries of the income from said business.

Any person who willfully fails to disclose the above required information or who gives false information shall be guilty of a misdemeanor and upon conviction thereof, shall be fined a sum not exceeding five hundred dollars (\$500.00) or imprisoned for not more than one year, or both, and said person or applicant shall never again be eligible for any permit pertaining to alcoholic beverages.

Section 23. Before a permit is issued the department of revenue shall satisfy itself: (a) That the applicant, if an individual, or if a partnership, each of the members of the partnership, or if a corporation, each of its prin-

principal officers and directors, is of good moral character and, in addition, enjoys a reputation of being a peaceable, law-abiding citizen of the community in which he resides, and is generally fit for the trust to be reposed in him, is a citizen of the United States and has been a resident of the State of Alabama for at least five years, is not less than nineteen years of age, and has not been convicted of a felony in any state or federal court. However, the five-year residence requirement shall not apply to on-premises applicants.

(b) That, except in the case of an application for a solicitor's permit, the applicant is the true and actual owner of the business for which the permit is desired, and that he intends to carry on the business authorized for himself and not as the agent for any other person, and that he intends to superintend in person the management of said business or that he will designate a manager to manage the business for him; any such manager must be approved by the department of revenue and must possess all of the qualifications required of a permittee.

(c) That an applicant for a package retailer's permit, if an individual, or if a partnership, each member of the partnership, or if a corporation, the designated manager is a resident of the State of Alabama and has been such a resident for five years prior to the filing of such application.

(d) That the place for which the permit is to be issued is an appropriate one considering the character of the premises and the surrounding neighborhood.

(e) That the place for which the permit is to be issued is within the corporate limits of an incorporated municipality or qualified resort area or club which comes within the provisions of this Act.

(f) That the applicant is not indebted to the state for any taxes, fees or payment of penalties imposed by any law of the State of Alabama or by any rule or regulation of the board.

(g) That the applicant is not in the habit of using alcoholic beverages to excess and is not physically or mentally incapacitated, and that the applicant has the ability to read and write the English language.

(h) That the department of revenue does not believe and has no reason to believe that the applicant will sell or knowingly permit any agent, servant or employee to unlawfully sell liquor in a dry area or in any other manner contrary to law.

(i) That the applicant is not residentially domiciled with any person whose permit or license has been cancelled for cause within the twelve months next preceding the date of the present application for a permit.

(j) That the department of revenue has not, in the exercise of its discretion which is reserved and preserved to it, refused to grant such permits under the restrictions of this section, as well as under any other pertinent provision of this Act.

(k) That there are not sufficient legal reasons to deny a permit on the ground that the premises for which the permit is sought has previously been operated, used or frequented for any purpose or in any manner that is lewd, immoral or offensive to public decency. In the granting or withholding of any permit to sell alcoholic beverages at retail, the department of revenue in forming its conclusions may give consideration to any recommendations made in writing by the district or county attorney or county, circuit or chancery judge of the county, or the sheriff of the county, or the mayor or chief of police of an incorporated city or town wherein the applicant pro-

poses to conduct his business and to any recommendations made by representatives of the board.

(1) That no criminal record of the applicant or any of the applicant's employees exists, and the department of revenue may therefore require that any applicant and employees of such applicant be photographed and fingerprinted for identification and shall check with the National Crime Information Center for the clearance of the applicant.

Section 24. All permits issued by the board shall expire twelve months from date of issuance, and no permit shall be issued for a period longer than one year. Each permit shall state a class to which it belongs, the name of the permittee, the address of the premises for which granted, and the date of its expiration. All permits issued shall at all times be prominently displayed on the premises for which issued.

Section 25. Any permittee may renew his permit at the expiration thereof for an additional term of one year, provided he is then qualified to receive a permit and the premises for which the renewal is sought are suitable for such purposes. The renewal privilege herein provided for shall not be construed as a vested right.

Section 26. In any county having heretofore voted, or which hereafter votes, to come out from under the prohibition law, in which there is not located an incorporated municipality within such county, the department of revenue may issue permits and licenses to: Manufacturers, wholesalers, package or on-premises retailers, combination package and on-premises retailers, and solicitors.

Section 27. No permit shall be transferred by the permittee to any other person or any other place except with the written consent of the department of revenue upon a regular application therefor in writing and upon consideration thereof as provided in this Act for an original application for a permit. The department of revenue shall not approve the transfer of the permit of any person against whom there is pending in the courts or before the board any charge of keeping a disorderly house, or of violating this Act or the laws against gambling in this state or against whom there is pending any proceedings for the revocation, suspension or cancellation of the permit.

Section 28. No person holding any permit issued under the provisions of this Act shall engage in any business or activity authorized by such permit unless such person shall qualify to do so by complying with all statutes of the United States of America, and all regulations issued pursuant thereto, which are applicable or shall pertain to such business or activity, and shall continue to be so qualified at all times while engaging in such business or activity. As a prerequisite to the issuance of any permit under this Act, the applicant shall first obtain the required federal occupational stamp for the type of business for which the permit has been approved by the department of revenue.

Section 29. The department of revenue may revoke or suspend any permit issued by it for a violation by the permittee of any of the provisions of this Act or of the regulations promulgated under it by the commissioner of revenue.

Permits must be revoked or suspended for the following causes: (a) Conviction of the permittee for the violation of any of the provisions of this Act;

(b) Willful failure or refusal by any permittee to comply with any of the provisions of this Act or of any rule or regulation adopted pursuant thereto;

(c) The making of any materially false statement in any application for a permit;

(d) Two or more convictions of one or more of the clerks, agents or employees of the permittee, of any violation of this chapter upon the premises covered by such permit within a period of two years;

(e) The possession on the premises of any retail permittee of any alcoholic beverages upon which the tax has not been paid;

(f) The willful failure of any permittee to keep records or make the reports required by this Act, or to allow an inspection of such records by any duly authorized person;

(g) The suspension or revocation of a permit issued to the permittee by the federal government, or conviction of violating any federal law relating to alcoholic beverages;

(h) The failure to furnish any bond required by this Act within fifteen days after notice from the department of revenue; and

(i) The conducting of any form of gambling on the premises of any permittee or on any premises connected therewith or the presence on any such premises of any gambling device with the knowledge of the permittee.

No permit shall be revoked except after a hearing by the department of revenue with reasonable notice to the permittee and an opportunity for him to appear and defend.

Section 30. Every manufacturer, within or without the state, and every other shipper of alcoholic beverages who sells any alcoholic beverage within the state, shall, at the time of making such sale, file with the department of revenue a copy of the invoice of such sale showing in detail the kind of alcoholic beverage sold, the quantities of each, the size of the container and the weight of the contents, the alcoholic content, and the name and address of the person to whom sold.

Every person transporting alcoholic beverages within this state to a point within this state, whether such transportation originates within or without this state, shall, within five days after delivery of such shipment, furnish the department of revenue a copy of the bill of lading or receipt, showing the name of the consignor or consignee, date, place received, destination, and quantity of alcoholic beverages delivered. Upon failure to comply with the provisions of this section, such person shall, upon conviction, be punished by a fine of not more than five thousand dollars (\$5,000.00) or by imprisonment for not more than two years, or by both such fine and imprisonment, in the discretion of the court.

Section 31. It shall be unlawful for the holder of a manufacturer's or wholesaler's permit, or anyone connected with the business of such holder, or for any other distiller, wine manufacturer, brewer, rectifier, blender, or bottler, to have any financial interest in any premises upon which any alcoholic beverage is sold at retail by any permittee, or in the business conducted by such permittee. It shall also be unlawful for any such person, or anyone connected with his, its, or their business to lend any money or make any gift or offer any gratuity, to any retail permittee, or to furnish any sign, display, advertising specialty, or other form of advertisement except as authorized by regulations of the board, to the holder of any retail permit is-

sued under the provisions of this Act. Except as above provided, no retail permittee shall accept, receive, or make use of any money, gift, sign or display furnished by any such person, or become indebted to such person except for the purchase of alcoholic beverages. Any person violating the provisions of this section shall, upon conviction, be punished by a fine of not more than five thousand dollars (\$5,000.00) or by imprisonment for not more than two years, or by both such fine and imprisonment, in the discretion of the court.

Section 32. No alcoholic beverage shall be sold by any wholesaler to any retailer, nor shall any retailer purchase any alcoholic beverage, except for cash. Each delivery of any alcoholic beverage to a retail permittee shall be accompanied by an invoice of sale or delivery slip which shall bear as its date the date of delivery of such alcoholic beverage.

Section 33. Any permittee or other person who shall sell, furnish, dispose of, give, or cause to be sold, furnished, disposed of, or given, any alcoholic beverage to any person under the age of nineteen years shall be guilty of a misdemeanor and shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for a first offense. For a second or subsequent offense, such permittee or other person shall be punished by a fine of not less than one thousand dollars (\$1,000.00) nor more than two thousand dollars (\$2,000.00), or by imprisonment for not more than one year, or by both such fine and imprisonment in the discretion of the court. Upon conviction of a second offense under the provisions of this section the permit of any permittee so convicted shall be automatically and permanently revoked.

Any person under the age of nineteen years who purchases, receives, or has in his or her possession in any public place, any alcoholic beverages, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100.00). Any person under said age who knowingly makes a false statement to the effect that he or she is nineteen years old or older to any person engaged in the sale of alcoholic beverages for the purpose of obtaining the same shall be guilty of a misdemeanor and shall be punished by a fine of not more than two hundred dollars (\$200.00), and on failure to pay such fine and all costs shall be imprisoned for not less than two nor more than thirty days in the county jail.

Section 34. (a) It shall be unlawful for any permittee or other person to sell or furnish any alcoholic beverage to any person who is known to be insane or mentally defective, or to any person who is visibly intoxicated, or to any person who is known to habitually drink alcoholic beverages to excess, or to any person who is known to be an habitual user of narcotics or other habit-forming drugs. It shall also be unlawful for the holder of any package retailer's permit to sell any alcoholic beverages except by delivery in person to the purchaser at the place of business of the permittee.

(b) It shall be unlawful for any permittee or other person to sell or furnish any alcoholic beverage to any person to whom the commissioner of revenue has, after investigation, decided to prohibit the sale of such beverages because of an appeal to the commissioner of revenue so to do by the husband, wife, father, mother, brother, sister, child or employer of such person. The interdiction in such cases shall last until removed by the commissioner of revenue, but no person shall be held to have violated this subsection unless he has been informed by the department of revenue, by registered letter, that it is forbidden to sell to such individual or unless such fact is otherwise known to such permittee or other person.

(c) It shall be unlawful for any holder of a package retailer's license engaged solely in the business of package retail sales under this Act to sell any alcoholic beverage before 10:00 a.m., and after midnight. It shall also be unlawful for said holder to sell alcoholic beverages on Sundays. The holder of an on-premises license located in private clubs, hotels or designated tourist attractions may sell any alcoholic beverages as now provided by law, except that on Sunday the sale of such beverage is prohibited between the hours of 3:00 a.m. and 12:00 Noon. The holder of any combination license shall have the option to sell any alcoholic beverages for the period of longest duration. No licensee shall be permitted to sell any alcoholic beverages on election day during the hours the polls are open.

(d) Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a term of not more than six months or by both such fine and imprisonment, in the discretion of the court. In addition, the department of revenue shall forthwith revoke the permit of any permittee who violates the provisions of this section.

Section 35. The commissioner of revenue shall have the power and authority to adopt and enforce reasonable rules and regulations relating to the advertising and display of alcoholic beverages.

It shall be unlawful to advertise alcoholic beverages by means of signs, billboards, or displays on or along any road, highway, street, or building.

This section shall not be construed so as to prohibit the department of revenue from promulgating rules and regulations permitting the holder of an on-premises retailer's permit to include in signs located on the holder's premises and in advertisements of the holder's principal business, the word "lounge" or other similar words descriptive of the facilities available at such principal place of business, without referring specifically to alcoholic beverages.

Section 36. Any person convicted of a violation of any of the provisions of this Act for which no other penalty is specifically provided herein, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for not more than six months, or by both such fine and imprisonment.

Section 37. In addition to any other rights and remedies which it may have, the department of revenue, in the name of the commissioner of revenue, shall have the right to resort to and apply for injunctive relief, both temporary and permanent, in any court of competent jurisdiction to enforce compliance with the provisions of this Act and to restrain and prevent violations and threatened violations thereof. The attorney general, district attorneys and county attorneys of this state, shall aid and assist the board in all such actions when requested by the commissioner of revenue to do so.

Section 38. (a) It is hereby made the duty of every police and peace officer and every district and county attorney and the department of revenue to enforce the provisions of this Act and to inform against and diligently prosecute persons whom they have reasonable cause to believe to be offenders against the provisions thereof. Every such officer refusing or neglecting to do so shall be guilty of a misdemeanor, and the court, in addition to imposing the penalty therefor, shall adjudge forfeiture of his office.

(b) In any county where it is readily apparent that local law enforcement authorities in cooperation with the agents and inspectors provided by

the department of revenue cannot control the illegal sale of alcoholic beverages, the commissioner of revenue shall request such assistance as he may deem necessary from the Alabama department of public safety and it shall be the duty of the Governor of the State of Alabama to see that the laws of the state are properly enforced by use of the additional authority as herein provided.

(c) The officers, agents, and representatives of the department of revenue are authorized and directed to strictly enforce the prohibition laws throughout the state, except in those counties which have voted for the legalized sale of intoxicating liquor. The state highway patrol, sheriffs, police departments, and all persons charged with upholding the law, as well as the citizenry of this state, are hereby urged and directed to uphold the dignity of the law, to foster public respect therefor and to strictly enforce the laws against intoxicating liquor in all cases while operating a motor vehicle on the streets and highways of this state, and to enforce the law and prosecute against the wrongful use of intoxicating liquor in any county by a permit holder or licensee or anyone else under such circumstances and conditions as would lead to a breakdown in public law or its violative of the public sense of common decency, as well as to enforce the law against gambling, organized crime, or social vice and corruption.

(d) The commissioner of revenue is hereby authorized to call upon other administrative departments of the state, county and municipal governments, county and city police departments, or other law enforcement officers, and upon prosecuting officers for such information and assistance as it may deem necessary in the performance of his duties.

Section 39. Any and all taxes now levied and collected on alcoholic beverages sold through the existing facilities of the Alabama Alcoholic Beverage Control Board shall be levied and collected on all alcoholic beverages sold under the provisions of this Act, and such taxes shall be distributed, on a pro rata basis, as provided by existing law prior to the enactment of this Act. All license fees payable to the State under the provisions of this Act shall be prorated and distributed under the same formula and on the same basis as taxes are distributed by existing law prior to the enactment of this Act. In addition to all other taxes, licenses and permit fees now levied and collected on alcoholic beverages sold in this state, there shall be an additional three percent (3%) tax levied and collected. The commissioner of revenue shall have the authority to issue and promulgate any rules, regulations, directives, or policies necessary to enforce the provisions of this section.

Section 40. Nothing in this Act shall be construed as giving any person a right to sell spirituous liquors as herein defined, but the manufacture, sale and distribution of spirituous liquors is declared to be a privilege in this state and not a right.

Section 41. The provisions of this Act shall not apply to ethyl alcohol intended for use or used for the following purposes:

(a) For scientific, chemical, mechanical, industrial, medicinal and culinary purposes.

(b) For use by those authorized to procure the same tax free, as provided by the acts of congress and regulations promulgated thereunder.

(c) In the manufacture of denatured alcohol produced and used as provided by the acts of congress and regulations promulgated thereunder.

(d) In the manufacture of patented, patent, proprietary, medicinal,

pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and industrial preparations or products, unfit for beverage purposes.

(e) In the manufacture of flavoring extracts and syrups, unfit for beverage purposes.

Section 42. No applicant shall be denied a permit or license pursuant to this Act solely because of race, color, creed, national origin, sex or age. No permittee or licensee shall deny employment to anyone solely because of race, color, creed, national origin, sex or age.

Section 43. The provisions of this Act are supplemental. It shall be construed in pari materia with other laws regulating the sale of alcoholic beverages as providing penalties, fines or imprisonment for violating alcoholic beverage control laws; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 44. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 45. This Act shall become effective January 1, 1985, except as otherwise herein provided.

SUBSTITUTE TABLED

On motion of Rep. Johnson (Roy), the substitute offered by Rep. Harper to the bill, S. 33, was tabled.

Yeas 57; Nays 25.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Blakeney, Boles, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Ford, Goodwin, Grayson, Grimsley, Grouby, Hall, Hammett, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McKee, Marietta, Martin, Melton, Mikell, Mitchell, Moore, Newman, Parker, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Seibels, Starkey, Trammell, Turner, Venable, Warren and Zoghby.

—57

Nays:

Reps.: Bachus, Beers, Box, Brooks, Buskey (James), Cosby, Davis, Gaston, Harper, Harvey, Hettinger, Horn, Kvalheim, McDowell, McMillan, McNair, Onderdonk, Penry, Perdue, Rains, Rogers, Sasser, White (F), White (G) and White (L).

—25

And the bill, S. 33, was read a third time at length and passed.

Yeas 52; Nays 20.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Blakeney, Boles, Britnell, Browder, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carter, Clark (J), Clark (W), Coleman, Ford, Grimsley, Grouby, Hall, Hammett, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McKee, Marietta, Martin, Mikell, Mitchell, Moore,

Newman, Parker, Poole, Preuitt, Rains, Rice, Richardson, Seibels, Smith, Starkey, Trammell, Turner, Venable, Warren and Zoghby.

—52

Nays:

Reps.: Bachus, Beers, Box, Brooks, Bryant, Cosby, Davis, Gaston, Harper, Hettinger, Horn, Kvalheim, McDowell, McMillan, McNair, Penry, Perdue, Rogers, White (F) and White (G).

—20

And the bill:

S. 34. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department as provided in Sections 27-2-1 through 27-2-55, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Boles, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Flowers, Fuller, Gaston, Grayson, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Melton, Mikell, Moore, Newman, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Starkey, Starr, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—71

And the bill:

S. 35. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (J), Clark (W), Coleman, Cosby, Crow, Escott, Flowers, Fuller, Gaston, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Moore, Newman, Parker, Perdue, Poole, Pratt, Rains, Rice, Richardson, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—73

And the bill:

S. 36. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pilotage Commissioners as provided in Sections 33-4-1 through 33-4-14, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Escott, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McNair, Marietta, Mathis, Melton, Mikell, Moore, Newman, Parker, Perdue, Poole, Pratt, Rains, Rice, Richardson, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—71

And the bill:

S. 37. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Public Service Commission as provided in Sections 37-1-1 through 37-1-157, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 72; Nays 2.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Fuller, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Moore, Newman, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Smith, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—72

Nays: Reps.: McNair and White (G).

—2

And the bill:

S. 38. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Professional Entomologists, horticulturists, plant pathologists, floriculturists and tree-surgeons examining board as provided in Sections 2-28-1 through 2-28-12, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Moore, Newman, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—80

Nay: Rep.: Johnson (R.G.).

—1

And the bill:

S. 41. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbing Examiners Board as provided in Section 40-12-145, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Flowers, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—83

And the bill:

S. 43. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Biddle, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Davis, Escott, Fuller, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale,

Lindsey, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—78

And the bill:

S. 44. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Nursing as provided in Sections 34-21-1 through 34-21-26, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White, (L) and Zoghby.

—83

S. 39 POSTPONED

On motion of Rep. Sasser, the bill, S. 39, was postponed to the eleventh legislative day.

And the bill:

S. 42. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Liquefied Petroleum Gas Board as provided in Sections 9-17-100 through 9-17-110, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Bachus, Biddle, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Ford, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, Marietta, Martin, Mathis, Mikell, Moore, Onderdonk, Parker, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—72

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a message from Governor George C. Wallace returning to you, the House from which it originated, House Bill # 159 as substituted without the Governor's signature and approval but with the following suggested Executive Amendment.

Done this 8th day of March, 1984.

Respectfully submitted,

ELVIN L. STANTON,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill # 159, as substituted, without my signature and approval but with the following Executive Amendment:

EXECUTIVE AMENDMENT TO H. 159 AS SUBSTITUTED

On page 6, paragraph 6, line 3 the word "to" should be deleted and the word "not" should be substituted.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Done this 8th day of March, 1984.

Respectfully,

GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Holley, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 159, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hall, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim,

Lauderdale, Lindsey, McDowell, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Starkey, Tanner, Thomas, Trammell, Turner, White (F), White (L) and Zoghby.

—76

Nay: Rep.: Seibels.

—1

And the bill:

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, (Acts 1981 Special Session, p. 25), which proposes a Constitutional Amendment on budgetary matters and the legislative process.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 70; Nays 12.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Black, Blake, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Hall, Harvey, Hettinger, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Pratt, Preuitt, Rains, Reed, Rogers, Smith, Starkey, Tanner, Thomas, Trammell, Turner, White (F), White (L) and Zoghby.

—70

Nays:

Reps.: Box, Cosby, Grouby, Hooper, Johnson (R.G.), McKee, McMillan, Mikell, Seibels, Venable, Warren and White (G).

—12

RESOLUTIONS

The following resolutions were introduced:

By Reps. Poole, Cosby and Burke:

H. J. R. 132. URGING THE GOVERNOR TO REESTABLISH THE GOVERNOR'S TASK FORCE ON ECONOMIC RECOVERY.

WHEREAS, the taxpayers of the State of Alabama have a right to know their taxes are being wisely spent; and

WHEREAS, the taxpayers of the State of Alabama are being asked to contribute additional taxes to the State; and

WHEREAS, it is in the interest of the Government of the State of Alabama to ensure that the taxpayers' money is wisely spent; and

WHEREAS, it is in the interest of the Government of the State of Alabama to assure its taxpayers of State Government efficiency; and

WHEREAS, the Governor's Task Force on Economic Recovery expressed the unanimous judgment that the people of Alabama will not, and should not, support any new tax proposals until they are assured that both existing and proposed tax revenues are being wisely spent; and

WHEREAS, the Governor's Task Force on Economic Recovery has recommended the establishment of a committee comparable to that chaired at the Federal level by Peter Grace; and

WHEREAS, the members of the Executive Committee of the Task Force have volunteered to serve on such a committee; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, Governor George C. Wallace reassemble the Governor's Task Force on Economic Recovery for the purpose of examining how the State of Alabama is spending its taxpayers' money.

BE IT FURTHER RESOLVED, That the Task Force deliver its report to the Constitutional Officers of the State of Alabama and the members of the Alabama Legislature not later than August 3, 1984.

On motion of Rep. Poole, the rules were suspended and the resolution, H. J. R. 132, was adopted.

Also:

By Rep. Bowling:

H. J. R. 133. DIRECTING THAT THE STATE ATHLETIC ASSOCIATION SHALL PRESCRIBE GUIDELINES FOR PUBLIC HIGH SCHOOL ATHLETES AND ATHLETIC DIRECTORS FOR TRAINING DURING CERTAIN SEASONS.

WHEREAS, the Alabama Legislature notes that many student-athletes suffer severe injuries and illnesses, and, in some cases, even death due to problems encountered by public high school athletes in rigorous training during certain seasons of high humidity and high temperatures; and

WHEREAS, the Alabama Legislature declares that all actions should be taken by appropriate authorities to minimize illnesses, injuries and loss of life of our young athletes in public high school due to weather conditions while in training; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby direct that:

The State Athletic Association, at the regularly scheduled board meeting next following the effective date of this act, shall adopt for circulation among the athletic departments of the public high schools of this state certain rules to alleviate fluid and heat problems encountered by high school athletes using the following criteria as guidelines for such rules:

1. Two-a-day practices should be scheduled early in the morning and late in the afternoon. On extremely hot days with high humidity, practice time should be modified.

2. Each player should be weighed before and after practice and a record kept of these weights, realizing that each 2 to 2 ½ pounds of weight loss represents approximately one quart of fluid loss and that the player should regain the weight lost during practice within twenty-four hours. Players with excessive loss should be watched closely and that player's practice modified.

3. There should be three to four ten-minute breaks during each practice session, during which fluid should be replaced. There should be a minimum of 20 ounces of fluid per break. Ice should be in the fluids. Head gear

should be removed, and if shade is available, it should be used. The squirt bottle should not be used to replace fluids.

4. Coaches should be taught to recognize early heat fatigue and heat exhaustion so that heat stroke can be avoided. There should be no conditioning nor disciplinary drills after practice that are not under close supervision.

BE IT FURTHER RESOLVED, That when such rules have been adopted, as herein provided, they shall be immediately distributed to such schools through the Alabama High School Athletic Association.

RESOLVED FURTHER, That copies of this Resolution shall be sent to each member of the State Athletic Association and the Department of Education.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 133, was adopted.

Also:

By Reps. Box, Zoghby, Kennedy, Buskey (James), Marietta, Kvalheim, Gaston, Penry, McMillan, Turner, Harper, Clark (W), Warren and Onderdonk:

H. R. 134. ENDORSING THE ACQUISITION OF PROVIDENCE HOSPITAL PROPERTY IN MOBILE FOR A VETERANS ADMINISTRATION MEDICAL CENTER.

WHEREAS, the more than 150,000 veterans in the area of South Alabama and Western Florida must now travel great distances to other states for treatment; and

WHEREAS, the acquisition of the Providence Hospital property in Mobile, Alabama, for a complete Veterans Administration Medical Center has been launched by the American Legion, Veterans of Foreign Wars, Disabled American Veterans and other veteran organizations and their auxiliaries, together with many other civic and fraternal groups of that city in cooperation with the authorities at Providence; and

WHEREAS, the University of South Alabama Medical School has pledged its complete cooperation in this project; and

WHEREAS, this existing modern facility can be acquired for less than one-third the cost of new construction thereby being cost effective; and

WHEREAS, not only would this very worthwhile project enhance the care of our war veterans, but would also add a significant boost to the economy of the Mobile area; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we wholeheartedly endorse the acquisition of Providence Hospital for a Veterans Administration Medical Center and further pledge our support in the establishment of this Veterans Administration Medical Center in Mobile.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the President of the United States, the Alabama Congressional Delegation, news media and other interested parties.

On motion of Rep. Box, the rules were suspended and the resolution, H. R. 134, was adopted.

Also:

By Rules Committee:

H. R. 135. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That upon reaching the calendar the following bills in the order named be made the special, paramount and continuing order of business beginning March 8, 1984, taking precedence over any other business of the House until such time as said bills are disposed of:

Inst Id	Page
<u>H. 208</u> — By Mitchell (As Amended)	44
Teachers personal leave, to accrue toward retirement, Sec. 16-8-26 amd.	
<u>H. 371</u> — By Blake	102
Criminal Procedure, Pre-trial appeal by the State to Court of Criminal Appeals from Circuit Court decision, orders, ruling or judgment	
<u>S. 91</u> — By Smith J	77
Interest rates; remove sunset or termination date on provisions applying to loans of \$25,000 or less, Sec. 8-8-5 am'd.	
<u>H. 362</u> — By Coleman (As Amended)	98
Restitution, ct. ordered income or asset attachments auth.	
<u>H. 440</u> — By Browder	89
Victims of crime, compensation commission established	
<u>H. 50</u> — By Mathis	6
GRANDPARENTS RIGHTS REGARDING CERTAIN ADOPTED MINORS, REGULATED. SEC. 26-10-50 AMENDED.	
<u>H. 51</u> — By Biddle	16
RESIDENT CONTRACTOR, PREFERENCE GIVEN ON PUBLIC WORKS CONTRACTS.	
<u>H. 52</u> — By Biddle	17
CONTRACTORS, OUT-OF-STATE CONTRACTORS TO POST DEPOSIT OR BOND ON CONSTRUCTION PROJECTS UNTIL USE OR AD VALOREM TAXES PAID	
<u>H. 160</u> — By Holley	119
Motor Carrier Fuel Tax Law, bonding requirements altered. Sec. 40-17-143 amended	
<u>H. 161</u> — By Holley	120
Motor vehicle licensing, require cab cards of international registration plan to be present in vehicle, Sec. 40-12-262 amended	
<u>H. 365</u> — By Hall (As Amended)	105
Food stamps, illeg. poss. of defined; criminal penalties prescribed	
<u>H. 250</u> — By Hall	93

REGULAR SESSION
10th Day

513

SHRINE AMUSEMENT AND FUND RAISING
EVENTS, TAX EXEMPTION, SEC. 40-9-13
AM'D.

<u>H. 337</u> — By Starr	107
AGED, PROGRAMS RE, INCOME TAX CHECKOFF AUTH.	
<u>H. 61</u> — By Starr	4
Mobile homes, exempt from being subject to continuation statement under commercial code, Sec. 7-9-403 amd.	
<u>H. 485</u> — By Clark J	96
Industrial development authority bonds, cert. cigarette tax proceeds allocated to retire	
<u>H. 483</u> — By Clark J (As Amended)	95
Sporting events regarding national championship, tax exemptions, Sec. 40-23-4 amd	
<u>H. 63</u> — By Carter	5
Firearms and explosives, discharge into occupied or unoccupied dwellings, motor vehicles or trains, prohibited.	
<u>S. 78</u> — By Smith J	12
Child Protection Act estab. parental rts., termination of reg., procedure	
<u>H. 58</u> — By White L	21
WORTHLESS CHECKS; AUTHORIZING CHARGES THAT MAY BE MADE FOR BY LENDERS OF MONEY OR EXTENDING CREDIT.	
<u>H. 62</u> — By Coleman	47
REAL ESTATE COMMISSION, APPROPRIATION.	
<u>H. 486</u> — By Clark J	97
Real Estate and Timeshare brokers, transactions regulated	
<u>H. 487</u> — By Clark J	97
Uniform State Laws Commission, amount of appropriation for members expense altered	
<u>S. 54</u> — By Mitchem	41
Legislative services, method of funding.	
<u>H. 296</u> — By Biddle	65
Musk turtle, designated protected species, Sec. 9-11- 231 amd	
<u>H. 107</u> — By Kennedy	43
TELEPHONE TOLL BOXES ON CERT. HIGHWAYS AUTH.	
<u>H. 197</u> — By Dutton	72
Black Warrior Wildlife Management Area,	

	boundaries extended in Lawrence and Winston Counties	
<u>H. 21</u>	— By Laird (As Amended)	37
	SMALL BUSINESS OFFICE OF ADVOCACY ESTABLISHED, DUTIES	
<u>H. 409</u>	— By Laird	76
	District Attorney Offices, Special services division estb., worthless checks unit regulated	
<u>H. 94</u>	— By Campbell	8
	ADMINISTRATIVE PROCEDURE ACT, REDEFINING TERMS FOR CONSISTENCY, INC. ALA. DEPT. OF ENV. MGT. SECS. 41-22-3, 41-22-6, 44-22-8, 41-22-11, 41-22-12, 41-22-13, 41-22- 16, 41-22-20, 41-22-21, 41-22-25 AND 41-22-27 AMENDED.	
<u>S. 120</u>	— By Smith J	121
	Railroads, public corporations authorized to acquire abandoned rail facilities.	
	All uncontested local bills	

On motion of Rep. Clark (J), the resolution, H. R. 135, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Reed:

H. R. 136. COMMENDING COLONEL ADOLPHOS TRAWICK
ON HIS DISTINGUISHED MILITARY CAREER.

Also:

By Rep. White (L):

H. R. 137. COMMENDING MISS CLAIRE NELL FULLER OF
ALEXANDER CITY, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Drinkard:

S. J. R. 61. MOURNING THE DEATH OF MR. MICHAEL
HENRY McARTNEY, PROMINENT GADSDEN, ALABAMA, BUSI-
NESSMAN AND CIVIC LEADER.

Also:

By Senators Bedsole and Corbett:

S. J. R. 62. DIRECTING THE DEPARTMENT OF EDUCATION

AND STATE BOARD OF HEALTH TO IMPLEMENT THE PROVISIONS OF SECTION 16-29-1, CODE OF ALABAMA 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 61, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Onderdonk, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 62, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Reps. Tanner and Moore:

H. J. R. 138. COMMENDING MR. J. E. "NED" BEARDEN, PROMINENT SHELBY COUNTY DAIRYMAN AND CIVIC LEADER.

WHEREAS, Mr. J. E. "Ned" Bearden, in partnership with his father, established a dairy in Shelby County in 1929; he later assumed sole ownership of the small dairy operation which now is a highly profitable business and one in which he still is active; and

WHEREAS, as years passed and business demands lessened, Mr. Bearden began to assume numerous responsibilities in the areas of civic and community affairs and was recently recognized for his involvement with the naming of the Pelham High School football stadium in his honor; and

WHEREAS, he served for 20 years as a member of the board of directors of Consolidated Dairies and of the Federal Land Bank, as president of Shelby County Farm Bureau for 12 years, and was a director of the First Bank of Alabaster until 1967 at which time he was elected president and chairman of the board, a position he holds to date; and

WHEREAS, Mr. Bearden further was an elected member of the Shelby County Board of Education from 1957 to 1969 and the Shelby County Commission from 1969 to 1981; he has been a trustee at Helena School and was 1980 Shelby County Division Chairman for United Way; and

WHEREAS, his numerous awards and honors include Civitan Citizen of the Year and Birmingham Area Chamber of Commerce Man of the Year in agribusiness, as well as a number of other prestigious recognitions; his family also was selected 1963 Master Farm Family by the *Progressive Farmer*; and

WHEREAS, Mr. Bearden is a Mason and a Shriner, a charter member of Central Civitan Club, and is a member of the Riverchase Church of Christ, serving currently as an Elder; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Mr. J. E. "Ned" Bearden for outstanding community service and involvement, and direct that he receive a copy of this resolution in expression of our sincere warm praise and esteem.

On motion of Rep. Tanner, the rules were suspended and the resolution, H. J. R. 138, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S. J. R. 64. COMMENDING THE PARTICIPANTS IN THE ALABAMA STATE GYMNASTICS CHAMPIONSHIPS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Venable, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 64, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators deGraffenried and Bishop:

S. J. R. 59. COMMENDING CENTRAL HIGH SCHOOL'S GIRLS BASKETBALL TEAM, STATE 4-A CHAMPIONS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 59, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S. J. R. 55. CREATING THE TUSCALOOSA COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Tuscaloosa County, The Tuscaloosa County Elected and Appointed Officials Salary Commission, hereinafter referred to as "The Commission."

The Commission shall be composed of seven (7) members: two members from government; four members from business including: one lawyer,

one proprietor, one salary administrator, one personnel manager; and one educator. The Commission members shall be appointed in the following manner: three by the Tuscaloosa City governing body, three by the Tuscaloosa County governing body, and one by the Tuscaloosa County Legislative Delegation.

The chairman shall be selected by the membership and he shall preside over all meetings. The Commission shall make its own rules for the conduct of its business. The initial meeting shall be held within thirty days after the last appointment is made and thereafter at the call of the chairman and within the rules of The Commission. Members of The Commission shall serve without compensation and their terms shall expire on January 1, 1986, at which time The Commission members shall stand discharged from any further duties.

The general purpose of The Commission is to provide information and recommendations regarding salaries and compensation of all elected and appointed city and county officials within Tuscaloosa County. The specific objectives of The Commission shall be prescribed by the Tuscaloosa County Legislative Delegation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 55, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 50. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

Also:

By Senator Hand:

S. J. R. 52. MOURNING THE DEATH OF MR. JAMES PARRISH COLEMAN OF FOLEY, ALABAMA.

Also:

By Senator Bennett:

S. J. R. 54. MOURNING THE DEATH OF BENNETT POWELL SINGLETON.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 50, S. J. R. 52 and S. J. R. 54, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Cooley:

S. J. R. 45. AUTHORIZING THE JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE ALABAMA AERONAUTICS COMMISSION TO EMPLOY AN INVESTIGATOR.

WHEREAS, Act 83-803, S. J. R. 16, of the 1983 Third Special Session of the Alabama Legislature, created a joint interim committee to study the Alabama Aeronautics Commission to investigate all phases and activities of said commission; and

WHEREAS, the Legislature further recognizes the need to employ an investigator in order to investigate such phases and activities of the Alabama Aeronautics Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Legislative Interim Committee to Study the Alabama Aeronautics Commission is hereby authorized to employ an investigator to investigate and study all phases and activities of the Alabama Aeronautics Commission.

BE IT FURTHER RESOLVED, That there is hereby appropriated \$786.96 from the funds available for the legislature to be paid for compensation and expenses for any such investigator employed by said committee.

BE IT FURTHER RESOLVED, That the provisions of this Act shall be retroactive to the effective date of Act No. 83-803, S. J. R. 16, of the 1983 Third Special Session of the Alabama Legislature.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 45, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators deGraffenried and Bishop:

S. J. R. 76. COMMENDING THE TUSCALOOSA ACADEMY KNIGHTS, STATE APSA BASKETBALL CHAMPIONS.

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Also:

By Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 77. COMMENDING DR. JOHN W. KUYKENDALL OF AUBURN UNIVERSITY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 76 and S. J. R. 77, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Goodwin:

S. J. R. 82. NAMING THE AUDITORIUM-OFFICE BUILDING AT THE CHILTON AREA HORTICULTURE SUB-STATION, THE "C. C. 'CHICK' CARLTON BUILDING".

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Smith, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 82, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 78. RECOGNIZING THE OUTSTANDING SERVICE OF MR. RALPH BISHOP.

Also:

By Senators Teague and Bedsole:

S. J. R. 79. RECOGNIZING THE OUTSTANDING SERVICE OF MR. JAMES W. (BILL) COWEN.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 78 and S. J. R. 79, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Pearson, Bennett, Hilliard, Cabaniss, and Parsons:

S. J. R. 86. COMMENDING AND CONGRATULATING THE 1983-84 UAB BLAZERS, SUN BELT CONFERENCE TOURNAMENT CHAMPIONS.

Also:

By Senators Pearson, Bennett, Hilliard, Cabaniss, and Parsons:

S. J. R. 85. COMMENDING COACH GENE BARTOW OF THE UNIVERSITY OF ALABAMA-BIRMINGHAM.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 86 and S. J. R. 85, the titles of which are set out in the above and foregoing Message from the Senate.

REPORT FILED

Pursuant to Act 1218, 1975 of the Alabama Legislature, Rep. Nelson Starkey, Chairman, submitted the report adopted by the Joint Highway Committee, and the report was ordered filed.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 208. (With Amendments): To amend Section 16-8-26, Code of Alabama, 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for creditable service for purposes of service retirement for unused accrued sick leave.

Was taken up.

SUBSTITUTE OFFERED

Rep. Mitchell offered the following substitute to the bill, H. 208 and to the pending amendments reported by the Standing Committee on Ways and Means, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-8-26, Code of Alabama, 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for creditable service for purposes of service retirement for unused accrued sick leave.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-8-26, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 16-8-26.

"Any county or city board of education may-at-its-discretion, shall be authorized to grant to any teacher within its school system personal leave of up to five days annually noncumulative, during the time schools are in session. The board shall enact policies providing for uniform administration of personal leave, and shall determine whether the leave is to be with part pay, full pay or without pay, except that any approved leave for which the state education budget includes funding shall be with pay. It is further provided that personal leave shall be reimbursed to the teacher at the end of the school year at the same daily rate as is paid to substitute teachers for each day of personal leave not taken by a teacher. The number of unused personal leave days subject to reimbursement shall be limited to the number of personal leave days for which funding is provided in the annual Special Educational Trust Fund budget. Personal leave funds provided by the state shall be distributed to local boards of education by the state superintendent of education according to a plan developed by him."

Section 2. Teachers, as defined in § 16-25-1(3) or § 16-25-5(d), Code of Alabama, 1975, as amended may use their accrued sick leave, up to a maximum number of accrued sick leave days allowed by law, to be included as membership service in determining the total years of creditable service in the Teachers' Retirement System of Alabama; provided, any teacher not authorized by law to receive sick leave may use any accrued sick leave provided by his or her employer, provided, that employer is lawfully empowered to grant such leave, which cannot be without pay; and provided further that the amount of such accrued leave shall not exceed the maximum number of accrued sick leave days allowed by law for a classroom teacher employed by a city or county board of education. Unused sick leave may be converted to membership service only for the purpose of applying for service retirement. Said conversion shall not apply to eligibility for deferred retirement; provided that a person eligible for service retirement, if also eligible for disability retirement, may elect disability retirement and also receive credit for accumulated sick leave pursuant to this section. This section shall not be applicable to any person who is eligible to receive partial payment for accrued sick leave pursuant to § 36-26-36; supra.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. Except for Section 1, the provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. The provisions of Section 1 of this Act shall be effective with the beginning of the fiscal year ending September

30, 1985, following passage of the Act and approval by the Governor or upon its otherwise becoming a law.

CO-SPONSOR ADDED

Rep. McKee was added as co-sponsor to the bill, H. 208.

MOTION TO POSTPONE TABLED

On motion of Rep. Mitchell, the motion offered by Rep. Rains to postpone consideration of the bill, H. 208 and the pending amendments and substitute to the eleventh legislative day, was tabled.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 323. Relating to the municipality of Phenix City, Alabama, so as to provide a procedure for the recall of city councilmen; to provide for the filling of offices vacated due to a recall election; to provide for a referendum regarding this act; to provide for implementation procedure and to provide for certain effective dates.

McDOWELL LEE,
Secretary.

H. 208 RESUMED

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Mitchell to the bill, H. 208 and the pending amendments reported by the Standing Committee on Ways and Means, and the substitute was adopted.

Yeas 91; Nays 1.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

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Nay: Rep. Bachus.

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And the bill, H. 208, as thus amended was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 6.

Yeas:

Mr. Speaker, Albright, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

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Nays:

Reps.: Adams, Bachus, Beers, Butler, Seibels and White (G).

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PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Sasser abstained from voting on the bill, H. 208, due to a possible conflict of interest.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Horn and Biddle:

H. R. 139. COMMENDING THE ALABAMA ASSOCIATION OF THE NATIONAL HONOR SOCIETY.

Also:

The following resolution was introduced

By Reps. Turnham, Rains, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

H. J. R. 140. COMMENDING MRS. LENA F. (LEE) CANNON FOR OUTSTANDING SERVICE WITH THE ALABAMA COOPERATIVE EXTENSION SERVICE AND ALABAMA PUBLIC TELEVISION.

WHEREAS, with highest commendation for outstanding service, the Alabama Legislature notes the recent retirement of Mrs. Lena F. (Lee)

Cannon as a specialist in home economics for the Alabama Cooperative Extension Service and Alabama Public Television since 1955; and

WHEREAS, during said exemplary tenure, Mrs. Cannon served for 23 years as associate producer and hostess for APT at Auburn University; her TV experience involved total responsibility for and presentation of weekly programs on the statewide network including Today's Home, which was the longest running home show on any educational TV network in the nation, as well as Dixie Digest and a television series, The Best For Us; and

WHEREAS, Mrs. Cannon, who holds the B.S. and M.S. degrees in home economics from West Virginia University, also studied on the post graduate level at the University of Wisconsin; and

WHEREAS, her other professional experience includes some 20 years as an assistant professor in the School of Home Economics at Auburn University and she has served by appointment on the Governor's Commission on Aging and as a member of the commission's board of directors; and

WHEREAS, Mrs. Cannon also is a multi-published author of numerous books and articles, and she has participated in a number of seminars, meetings and other professional events; and

WHEREAS, she is a member of the Alabama and American Home Economics Associations, American Women in Radio and Television, Women in Communications and the International Platform Association; she further has served in high office and other leadership capacity of the Auburn University Club and the Womens Division of the Alabama Dairy Products Association, among others; and

WHEREAS, Mrs. Cannon is the recipient of an inordinate number of awards and honors including listings in Who's Who in American Women, Personalities of the South, Alabama's Distinguished, Dictionary of International Biography and 2000 Women of Achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Lena F. (Lee) Cannon for outstanding achievement and direct that she receive a copy of this resolution in small token of our utmost regard.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 140, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 30. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, and the legislature's concurrence thereof.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 30. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Smith (J):

S. 219. To repeal section 34-6-8, Code of Alabama 1975, which prohibits the operation of pool or billiard tables outside of an incorporated city or town having a police force, to repeal Section 34-6-4, Code of Alabama 1975, relating to hours when billiard rooms may be operated; to provide for the hours a billiard room may operate and to provide that the county commission may promulgate rules regarding billiard rooms operating in the county and fix certain license fees.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 219. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senator Denton:

S. 82. To amend section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

Also:

By Senator Cooley:

S. 86. To provide for court ordered continuing income withholding by employers as a means of child support enforcement; to provide that such order shall be included as a part of any original judgment or decree for the payment of child support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent child support amounts in addition to enforcing continuing, prospective child support obligations; to provide for the content of orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide

for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for child support shall take precedence over any other notice of garnishment; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

Also:

By Senator Foshee:

S. 137. To amend Sections 9-17-3 and 9-17-4, Code of Alabama 1975, which creates the state oil and gas board, so as to increase the membership on the board.

Also:

By Senator Hilliard:

S. 256. Relating to Civil Rights' History; creating a state commission known as the Alabama Institute of Civil Rights' History to be located in Birmingham; providing for a Board of Trustees; and prescribing the method of appointment, its duties and authorities, and providing for employees.

Also:

By Senator Little:

S. 285. To amend Section 36-17-3 of the Code of Alabama 1975, relating to the duties and functions of the state treasurer.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 82. Natural Resources.
- S. 86. Judiciary.
- S. 137. Ways and Means.
- S. 256. Ways and Means.
- S. 285. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Bedford, Goodwin, Dial, Menton, Hilliard, Corbett, and Ellis:

S. 252. To require all persons born on or after October 1, 1971, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to prohibit the issuance of

any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1971, and of 16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor certification procedure, and to approve other courses; to provide penalties for violation of this act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 252. Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Menton:

S. 81. To amend the penalty provisions of certain code sections of Article 2 of Chapter 12 of Title 9, Code of Alabama 1975, specifically Sections 9-12-32 (private reefs), 9-12-33 (culling of oysters), 9-12-42 (oyster replanting), 9-12-45 (terrapins), 9-12-46 (minimum weight of commercial shrimp), 9-12-54.7 (live bait dealers), 9-12-82 (oyster catcher license), 9-12-114 (license for wholesale and retail dealers of fresh saltwater fish), 9-12-116 (inspection of places of business), 9-12-117 (illegal tackle, illegal fishing devices or unlicensed boats or vessels), and 9-12-121 (general penalty provisions of Article 2 of Chapter 12, Title 9), so as to increase the penalties thereof.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 81. Natural Resources.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 323. Relating to the municipality of Phenix City, Alabama, so as to provide a procedure for the recall of city councilmen; to provide for the filling of offices vacated due to a recall election; to provide for a referendum

regarding this act; to provide for implementation procedure and to provide for certain effective dates.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, (Acts 1981 Special Session, p. 25), which proposes a Constitutional Amendment on Budgetary matters and the legislative process.

by a majority of the whole number elected to the Senate, said vote being Yeas 19, Nays 1.

And said Bill, H. B. 159, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 21, Nays 2.

And said Bill, H. B. 159, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolution, your signature thereto is requested:

S. 218. Relating to Cleburne County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, repealing conflicting laws; and providing for a referendum thereon.

Also:

S. J. R. 56. INVITING PRESIDENTIAL CANDIDATE GARY HART TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles have been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 73. REQUESTING PRESIDENTIAL CANDIDATE
WALTER MONDALE TO ADDRESS A JOINT SESSION OF THE ALA-
BAMA LEGISLATURE.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, (Acts 1981 Special Session, p. 25), which proposes a Constitutional Amendment on budgetary matters and the legislative process.

And finds same correctly enrolled with Executive Amendment.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 9:35 A.M. on March 8, 1984.

H. 159

Delivered to the Governor at 11:05 A.M. on March 8, 1984.

H. J. R. 106

Delivered to the Governor at 2:45 P.M. on March 8, 1984.

H. 323

JOHN W. PEMBERTON,
Clerk.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bill hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:50 P.M. on March 8, 1984.

H. 159. (Executive Amendment)

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Goodwin and pursuant to the resolution, H. R. 114, heretofore adopted, the House adjourned until 3:00 o'clock p.m., Tuesday, March 20, 1984.

ELEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 20, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mr. Frank McGee, Pastor, White Plains Church of Christ, White Plains, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson

(Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—105

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Holley, the reading at length of the Journal of the House for the tenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the tenth legislative day was approved.

BILLS ON THIRD READING

Pursuant to Chapter 20, Code of Alabama, 1975, Section 41-20-1, the House proceeded with the consideration of the following bills relating to the Alabama Sunset Law.

And the bill:

S. 39. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating and Air Conditioning Contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 34; Nays 1.

Yeas:

Mr. Speaker, Black, Blakeney, Brakefield, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Flowers, Gaston, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Mathis, Moore, Newman Onderdonk, Starkey, Tanner, Thomas, Turner, Venable, White (F) and White (G).

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Nay: Rep. Box.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 50. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

Also:

S. J. R. 52. MOURNING THE DEATH OF MR. JAMES PARRISH COLEMAN OF FOLEY, ALABAMA.

Also:

S. J. R. 54. MOURNING THE DEATH OF BENNETT POWELL SINGLETON.

Also:

S. J. R. 55. CREATING THE TUSCALOOSA COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 59. COMMENDING CENTRAL HIGH SCHOOL'S GIRLS BASKETBALL TEAM, STATE 4-A CHAMPIONS.

Also:

S. J. R. 61. MOURNING THE DEATH OF MR. MICHAEL HENRY McCARTNEY, PROMINENT GADSDEN, ALABAMA, BUSINESSMAN AND CIVIC LEADER.

Also:

S. J. R. 62. DIRECTING THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF HEALTH TO IMPLEMENT THE PROVISIONS OF SECTION 16-29-1, CODE OF ALABAMA 1975.

Also:

S. J. R. 64. COMMENDING THE PARTICIPANTS IN THE ALABAMA STATE GYMNASTICS CHAMPIONSHIPS.

Also:

S. J. R. 76. COMMENDING THE TUSCALOOSA ACADEMY KNIGHTS, STATE APSA BASKETBALL CHAMPIONS.

Also:

S. J. R. 77. COMMENDING DR. JOHN W. KUYKENDALL OF AUBURN UNIVERSITY.

Also:

S. J. R. 78. RECOGNIZING THE OUTSTANDING SERVICE OF MR. RALPH BISHOP.

Also:

S. J. R. 79. RECOGNIZING THE OUTSTANDING SERVICE OF MR. JAMES W. (BILL) COWEN.

Also:

S. J. R. 82. NAMING THE AUDITORIUM-OFFICE BUILDING AT THE CHILTON AREA HORTICULTURE SUB-STATION, THE "C. C. 'CHICK' CARLTON BUILDING".

Also:

S. J. R. 85. COMMENDING COACH GENE BARTOW OF THE UNIVERSITY OF ALABAMA-BIRMINGHAM.

Also:

S. J. R. 86. COMMENDING AND CONGRATULATING THE 1983-84 UAB BLAZERS, SUN BELT CONFERENCE TOURNAMENT CHAMPIONS.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 330. To provide for the salary of the probate judge of St. Clair County and to provide for retroactive effect.

Also:

H. 331. Relating to St. Clair County; to provide for additional expense allowances for certain county officials.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 177. To amend Sections 25-4-55, 25-4-56, 25-4-57, 25-4-58, 25-4-70, 25-4-75, and 25-4-77, Code of Alabama 1975, as last amended so as to provide that the Special Federal Advance Interest Repayment Fund established by ACT 83-178 will be permanently available as mandated by P. L. 98-21, and to provide for disbursement therefrom, and for discontinuing assessments thereafter when no funds are due or needed; and to provide for disposition of any balances in such fund; to expand the provisions of the

Code to provide for denial of benefits during customary vacation periods and holiday or other usual recesses to the same extent as now provided for between term and academic year periods; to provide denial of benefits to employees of certain educational service agencies to the same extent and under the same conditions as now provided for employees of educational institutions; and to define "educational service agencies"; and to exempt from disqualification from receiving benefits individuals whose failure to seek work was due to jury duty as defined herein.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 27. Relating to the existence and functioning of the state board of Social Work Examiners provided for in Section 34-30-50, et seq. of the Code of Alabama 1975, amends Section 34-30-29 so as to specify the period of time for continuing supervision of licensed bachelor social workers and amends Section 34-30-56 so as to require publications of notice of meetings.

Also:

S. 28. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology as provided in Sections 34-26-1 through 34-26-48, Code of Alabama 1975, and the Legislature's concurrence thereof.

Also:

S. 29. Relating to the Alabama Sunset law; to continue the existence and functioning of the Alabama State Board of Public Accountancy as provided in Sections 34-1-1 through 34-1-22, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 31. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Service as provided in Sections 34-13-1 through 34-13-31, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 32. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 33. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Alcoholic Beverage Control Board as provided in Sections 28-3-40 through 38-3-53, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 34. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department as provided in Sections 27-2-1

through 27-2-55, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 35. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 36. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pilotage Commissioners as provided in Sections 33-4-1 through 33-4-14, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 37. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Public Service Commission as provided in Sections 37-1-1 through 37-1-157, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 38. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Professional Entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons examining board as provided in Sections 2-28-1 through 2-28-12, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 41. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbing Examiners Board as provided in Section 40-12-145, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 42. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Liquefied Petroleum Gas Board as provided in Sections 9-17-100 through 9-17-110, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 43. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 44. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Nursing as provided in Sections 34-21-1 through 34-21-26, Code of Alabama 1975, and the legislature's concurrence thereof.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 29. STATING LEGISLATIVE AUTHORITY RELATIVE TO ACT NO. 81-889, S. 32, FIRST SPECIAL SESSION, 1981.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 91. CREATING A JOINT LEGISLATIVE-JUDICIAL COMMITTEE TO STUDY, DEVELOP PLANS, AND MAKE RECOMMENDATIONS FOR A NEW JUDICIAL BUILDING FOR THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 77. COMMENDING THE ALABAMA ASSOCIATION OF THE NATIONAL HONOR SOCIETY.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

The House then proceeded with the consideration of the bills on the Special Order Calendar adopted on the tenth legislative day.

And the bill:

H. 371. To provide for an appeal by the State of Alabama in criminal

cases from a decision, order, or judgment of the trial court in certain instances; to provide the procedures applicable to such appeals; and to provide how such appeals are to be governed.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Blake, the motion offered by Rep. Box to temporarily postpone consideration of the bill, H. 371, was tabled.

Yeas 32; Nays 19.

Yeas:

Mr. Speaker, Blake Brooks, Butler, Carter, Clark (D), Clark (J), Coleman, Cosby, Flowers, Fuller, Gaston, Goodwin, Gray, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Mitchell, Newman, Parker, Pratt, Richardson, Smith, Turnham, Venable, White (G), White (L) and Zoghby.

—32

Nays:

Reps. Black, Box, Bryant, Clark (W), Grayson, Holmes, Horn, McMillan, Marietta, Melton, Nicholson, Onderdonk, Penry, Perdue, Rains, Starkey, Thomas, Turner and White (F).

—19

PRESENCE OF QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 371, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 18.

Yeas:

Mr. Speaker, Albright, Blake, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Flowers, Fuller, Gaston, Goodwin, Gray, Hammett, Harvey, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McDowell, Mathis, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Pratt, Preuitt, Rains, Richardson, Smith, Starr, Turnham, Venable, White (G), White (L) and Zoghby.

—48

Nays:

Reps. Black, Bryant, Buskey (James), Clark (W), Holley, Holmes, Horn, McMillan, Marietta, Melton, Parker, Penry, Perdue, Sasser, Starkey, Thomas, Turner and White (F).

—18

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carter, the rules were suspended in order to introduce a resolution.

RESOLUTION

The following resolution was introduced:

By Reps. Rains and Carter:

H. J. R. 141. COMMENDING MR. THOMAS Z. ATKESON OF DECATUR, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Mr. Thomas Z. Atkeson of Decatur, Alabama has been employed for more than four decades with the Wheeler National Wildlife Refuge in Decatur, Alabama, and since 1962, in managerial capacity; and

WHEREAS, Mr. Atkeson, who is a native of Columbia, Alabama, holds the B.S. degree in forestry from the University of Georgia where he graduated Magna Cum Laude; he attended graduate school at Auburn University; and

WHEREAS, he is affiliated with a number of professional organizations and has been recognized both locally and nationally with such distinctions as the Department of the Interior's Meritorious Achievement Medal, Bureau of Sport Fisheries and Wildlife Outstanding Public Service Award, Veteran of the Year Award and has been named Alabama's Conservationist of the Year, among others; and

WHEREAS, Mr. Atkeson also is a United States Army veteran of World War II who was gravely wounded as the result of a mine explosion on October 22, 1943; as a result, he suffered the loss of total sight in both eyes, lost both arms and received numerous other severe and disabling wounds; and

WHEREAS, despite such grave physical limitation, Mr. Atkeson returned to civilian life and his position with the Wildlife Refuge, rendering such dedicated and distinguished service as to be recognized as Outstanding Handicapped Employee of the Year, Handicapped American of the Year Award nominee and he was the inspiration for a feature segment of the CBS Sunday Morning News program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Mr. Thomas Z. Atkeson of Decatur, Alabama, for outstanding achievement; we further stand in tribute to his extraordinary accomplishments and direct that he receive a copy of this resolution, in small token of our deep admiration and esteem.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 141, was adopted.

SPECIAL ORDER RESUMED

And the bill:

S. 91. To amend Section 8-8-5 of the Code of Alabama 1975, which relates to interest rates, so as to remove the Sunset or termination date on the provisions of said section as it applies to loans of \$25,000.00 or less.

Was read a third time at length and passed.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Bachus, Blake, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Coburn, Cosby, Crow, Dutton, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Reed, Richardson, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, White (F), White (L) and Zoghby.

—63

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Zoghby, the rules were suspended in order to introduce a resolution.

RESOLUTION

The following resolution was introduced:

By Rep. Zoghby:

H. R. 142. DECLARING THE PROVISIONS OF THE CONSTITUTIONAL AMENDMENT PROPOSED BY ACT NO. 81-889 OF THE 1981 ACTS INAPPLICABLE TO S. B. 91.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That the provisions of paragraph (C) of the Constitutional Amendment proposed by Act No. 81-889 of the Acts of Alabama 1981 and voted on by the people of this state on March 13, 1984, shall not be applicable in this house to the consideration and passage of S.B. 91 entitled, viz: "An Act To amend Section 8-8-5 of the Code of Alabama 1975, which relates to interest rates, so as to remove the Sunset or termination date on the provisions of said section as it applies to loans of \$25,000.00 or less.

The resolution, H. R. 142, was read and referred to the Standing Committee on Rules.

And the bill:

H. 362. (With Amendment): To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishment or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in con-

tempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 362, in the title, page 1, line 25 after the word "or" by striking ~~recinded~~, and inserting in lieu thereof the following: rescinded

H. 362 TEMPORARILY POSTPONED

On motion of Rep. Coleman, the bill, H. 362, and the pending amendment were temporarily postponed.

CO-SPONSOR ADDED

Rep. Flowers was added as co-sponsor to the bill, H. 362.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. White (F), the rules were suspended in order to introduce a resolution.

RESOLUTION

The following resolution was introduced:

By Reps. White (F), Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turham, Venable, Warren, White (G), White (L) and Zoghby:

H. J. R. 143. MOUNRING THE DEATH OF MR. JAMES McCOY MAYS OF ATMORE, ALABAMA.

WHEREAS, the Alabama Legislature notes with deep regret the death of Mr. James McCoy Mays of Atmore, Alabama, on March 5, 1984, at the age of 72 years; and

WHEREAS, Mr. "Mac" Mays, as he was widely and affectionately known, was a native of Hamilton, Alabama; he was a graduate of Birmingham Southern College with the B.S. degree and recived the Master's degree from Auburn University; and

WHEREAS, Mr. Mays, who was a retired teacher and a former longtime Atmore merchant, served in the Alabama Legislature from 1966 to 1970, representing Escambia County, House District Thirty-nine; and

WHEREAS, though active in a number of civic and community affairs, Mr. Mays was must particularly committed in service to the First United

Methodist Church where he was faithful in attendance and had served as a member of numerous church boards and committees; and

WHEREAS, the death of Mr. Mac Mays has indeed left a deep void in the community and in the hearts of all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of Mr. James McCoy Mays of Atmore, Alabama, and extend our very deepest sympathy to his beloved wife, Mrs. Edith Cruit Mays, to their two sons, Robert William and James Cruit Mays, and other family members to whom a copy of this resolution shall be sent in expression of our shared sorrow in their great loss.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 143, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Denton:

S. J. R. 103. EXPRESSING JUDGEMENT THAT EXPENDITURES SHOULD BE MADE BY POSTSECONDARY SCHOOLS IN COMPROMISE OF CLAIMS RESULTING FROM FAILURE OF HOSPITAL-MEDICAL INSURANCE PROGRAM.

Also:

By Senator Ellis:

S. J. R. 104. MOURNING THE DEATH OF MR. JAMES DONALD BULGER, PROMINENT ALABAMA EDUCATOR.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 103, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 104, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Little and Foshee:

S. J. R. 100. MOURNING THE DEATH OF MR. EDWARD A. DANNELLY OF ANDALUSIA, ALABAMA.

Also:

By Senator Little:

S. J. R. 101. NAMING THE HEALTH AND ARTS BUILDING AT ALEXANDER CITY STATE JUNIOR COLLEGE, THE "W. BYRON CAUSEY HEALTH EDUCATION AND ARTS COMPLEX."

Also:

By Senator Little:

S. J. R. 102. COMMENDING CLAIRE NELL FULLER.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 100, S. J. R. 101 and S. J. R. 102, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedsole:

S. J. R. 99. COMMENDING THE ALABAMA ASSOCIATION OF COLLEGE TEACHERS OF MATHEMATICS AND THE ALABAMA COUNCIL OF TEACHERS OF MATHEMATICS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 99, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Corbett:

S. J. R. 44. CREATING SELECT COMMITTEE TO CONSIDER HOSTING SOUTHERN LEGISLATIVE CONFERENCE ON CHILDREN AND YOUTH IN ALABAMA.

WHEREAS, the Southern Legislative Conference on Children and Youth has enabled states to educate key decision makers, thereby resulting in the passage of major legislation benefiting and serving its youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a select

committee to consider seeking Alabama as the host state for the Southern Legislative Conference on Children and Youth, to be called the Southern Conference on Children and Youth Committee. The committee shall consist of six (6) members as follows: The Governor, or his designee, the Director of the Youth Services Department, or his designee, the Lieutenant Governor, one Senate member selected by the Lieutenant Governor, the Speaker of the House, one House member selected by the Speaker.

The committee shall select from among its members a chairman. The committee shall meet upon the call of its chairman. The committee is authorized to employ clerical help for the committee's business.

The legislature members of the committee shall receive their regular legislative expenses, compensation and per diem for each day the committee meets, provided the entire expenses of the committee shall not exceed \$10,000.00.

There is hereby appropriated from funds available to the legislature such amounts not to exceed \$10,000.00, as are necessary for the committee's use.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 44, set out in the above and foregoing Message from the Senate.

H. 440 TEMPORARILY POSTPONED

On motion of Rep. Browder, the bill, H. 440, was temporarily postponed.

CO-SPONSOR ADDED

Rep. Flowers was added as co-sponsor to the bill, H. 440.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holmes, the rules were suspended in order to introduce a resolution.

RESOLUTION

The following resolution was introduced:

By Reps. Holmes, Buskey (John), Hooper, Starr and McKee:

H. J. R. 144. HONORING THE CARVER HIGH SCHOOL WOLVERINES STATE 4-A BASKETBALL CHAMPIONS

WHEREAS, The George Washington Carver High School Head Basketball Coach, Dan Lewis, during a five year tenure at Carver, has compiled a staggering record of one hundred and twelve victories and forty-two losses, two State 4-A Basketball Championships, has been voted by Sports Writers as State Coach of the Year, 1982-83 and also 1983-84, was four times named Coach of the Year by the Montgomery Advertiser and Alabama Journal; and

WHEREAS, the George Washington Carver High School Wolverines of

Montgomery won the Alabama High School Athletic Association's 4-A State Basketball Championship for 1982-83 and again for 1983-84; and

WHEREAS, the Carver Wolverines, ranked Number One in the State of Alabama by the Associated Press for six weeks in 1982-83, were also ranked Number Three for 1983-84; and

WHEREAS, The George Washington Carver High School Basketball team won thirty-one games, losing only three, for the best 4-A record in 1982-83, and won thirty games and lost five for 1983-84, in addition to their back-to-back state titles; and

WHEREAS, The Carver Wolverines, their coaches and student body are indeed due much credit, not only for their great skills and sportsmanship, but also for their fine school spirit and the will to win; and

WHEREAS, The George Washington Carver Wolverines have brought great recognition to the City of Montgomery and its citizens; and

WHEREAS, the Champion Wolverines are: Andre Bruce, Michael Cheatham, Kent Crenshaw, Terrance Jackson, Marshall Johnson, Allen Jones, Chris Jones, Tim Lover, Jeffery McGee, Darryl Morgan, Greg Payne, Clarence Ptomey, Joey Reasor and Clifford Wright; now therefore

BE IT RESOLVED BY THE LEGISLATURE, OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend and congratulate Coach Dan Lewis, Montgomery's George Washington Carver Basketball Team and the entire coaching staff for outstanding achievement.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to head Coach Dan Lewis, Assistant Coach Samuel George, Athletic Director John Fulham, Principal Dwight Madison and to the members of The George Washington Carver High School Basketball Team, with a copy also provided for appropriate school display.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 144, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. White (L), the rules were suspended in order to introduce a resolution.

RESOLUTION

The following resolution was introduced:

By Reps. White (L) and Venable:

H. J. R. 145. NAMING THE HEALTH AND ARTS BUILDING AT ALEXANDER CITY STATE JUNIOR COLLEGE, THE "W. BYRON CAUSEY HEALTH EDUCATION AND ARTS COMPLEX."

WHEREAS, in September 1984, Alexander City State Junior College will begin its 20th year of providing exceptional educational opportunities for both youth and adults in the State of Alabama; and

WHEREAS, it is to be noted Dr. W. Byron Causey has served as Alexander City State Junior College's only president and it is largely through his tireless dedication to achieving excellence in education that the college has come to be recognized as one of the most outstanding two-year institutions in the United States; and

WHEREAS, Dr. Causey, who has served in education for some 35 years, also has been instrumental in the work of such professional organizations as the American Association of Community and Junior Colleges, the Association of Community College Trustees, the President's Academy of AACJA, and the National Council of Resource Development; and

WHEREAS, he further has been a longtime advocate, on the national level, of two-year colleges and is widely known for his accomplishments in prison education programs; and

WHEREAS, in addition to his numerous professional involvements, Dr. Causey also has served in civic responsibility and concern; his activities within the community, as well as statewide and nationally, are quite lengthy and include a wide diversity of areas; and

WHEREAS, it is entirely fitting and proper that on the 20th anniversary of Alexander City State Junior College, its first and only president should be recognized for extraordinary service, not only to the college, but to his community, state and nation as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of Dr. W. Byron Causey, we hereby name and designate the health and arts building at Alexander City State Junior College, the "W. Byron Causey Health Education and Arts Complex."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said building and that, further, a copy of this resolution shall be presented to Dr. Causey as a memento of this honorary designation of the Alabama Legislature.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 145, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (Roy), the rules were suspended in order to take up the call of Districts for the introduction of bills and non-controversial resolutions.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Faulk (With Notice and Proof):

H. 587. Relating to Butler County; providing an additional expense allowance for the county coroner; and to specifically repeal Act # 213, Acts of Alabama, Regular Session, 1951, page 475.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 587, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Moore:

H. 588. To amend Section 37-3-4 of the Code of Alabama 1975, relating to motor vehicle carriers as to the exempt motor vehicle carriers transporting coke from regulation by the public service commission.

Committee on State Administration.

By Rep. Trammell (With Notice and Proof):

H. 589. Relating to Jefferson County; repealing Act No. 82-177, H. 330 of the 1982 Regular Session, which authorized the Jefferson County Commission to increase ad valorem taxes subject to a referendum.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 589. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Flowers:

H. 590. To amend Section 15-22-2 of the Code of Alabama 1975, which relates to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers.

Committee on Judiciary.

By Rep. Coburn:

H. 591. To repeal Act No. 80-90 of the 1980 Regular Session of the Alabama Legislature; to prohibit any further transfers from the state insurance fund pursuant to Act No. 80-90; and to provide for the transfer back of funds heretofore transferred from the state insurance fund pursuant to Act No. 80-90, by the State Finance Director with approval of the Governor.

Committee on Ways and Means.

By Rep. Starkey:

H. 592. To amend Section 41-16-51, Code of Alabama 1975, as amended by Act No. 83-515 enacted during the 1983 Regular Session of the Legislature of Alabama, so as to remove the exemption of existing contracts up for renewal for sanitation or solid waste collection and disposal between counties and those providing the service and to restore the previously-existing exemption for equipment used and consumed in the removal and routine operation of any waterworks system, sanitary sewer system, gas or electric system owned by municipalities, counties or public corporations, boards or authorities that are agencies, departments or instrumentalities of municipalities or counties among those contracts for which competitive bidding is not required.

Committee on Local Government.

By Reps. Crow, Laird, Browder, Blakeney, Blake, Cosby, Johnson (Roy), and Bowling:

H. 593. To provide for the department of public safety to issue special nondriver identification cards for retarded persons and to prescribe a cer-

tain issuance fee for such cards with the proceeds from such fees earmarked to said department.

Committee on State Administration.

By Reps. Crow and Blake:

H. 594. To amend Section 36-27-21.3, Code of Alabama 1975, which provides for and regulates a cost-of-living increase to persons retired under the teachers' retirement system and the employees' retirement system of Alabama, so as to provide further for the cost-of-living addition to the benefits received by persons whose retirement under the employees' retirement system is based on 51% or more service as an employee participating under Section 36-27-6, Code of Alabama 1975.

Committee on Ways and Means.

By Reps. Starkey, Johnson (Roy), Mitchell, Turnham, and Clark (D):

H. 595. Relating to exemptions from the payment of state, county and municipal ad valorem taxes, so as to exempt the Presbyterian Apartments of Birmingham, Inc., the Presbyterian Homes of Decatur, Inc., the Shoals Presbyterian Apartments, Inc., the Presbyterian Apartments in Northport, Alabama, and the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entity, from the payment, of such state, county and municipal taxes.

Committee on Ways and Means.

By Rep. White (L):

H. 596. To authorize any municipality or group of municipalities, either individually or collectively, to establish a health and accident self-insurance group for the purpose of providing health care and hospital benefits for their officers, employees and family members dependent upon such officers or employees; to authorize the use of public funds in providing such benefits; to provide procedures for the establishment and operation of such groups; to exempt such groups from the regulation by the Department of Insurance of the State of Alabama; to exempt such groups from insurance premium taxes; and to establish an effective date.

Committee on Insurance.

By Rep. Penry (With Notice and Proof):

H. 597. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Gulf Shores in Baldwin County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 597. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Johnson (Roy):

H. 598. To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to au-

thorize the department of economic and community affairs to prescribe procedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe penalties for violations of this act; to provide for certain personnel for the department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama, 1975.

Committee on State Administration.

By Rep. Coburn:

H. 599. To amend Section 16-13-190 of the Code of Alabama of 1975.

Committee on Ways and Means.

By Reps. Johnson (Roy) and Nicholson:

H. 600. To create the Motor Fuel Marketing Act in order to protect Alabama's consumers against major oil company monopolies; to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel in wholesale and retail trades; to provide for enforcement of the Act and penalties for violations; and for related purposes as well as to make certain declarations.

Committee on State Administration.

By Reps. Coleman, Newman, Harvey, Richardson, Johnson (Roy), and Flowers:

H. 601. To provide that no course of action shall in any court of this state for injury or death sustained by any felon while in the act of committing or attempt to commit a felony or fleeing from the scene of a felony.

Committee on State Administration.

By Reps. Rogers, Horn, McNair, Perdue, Holmes, and Buskey (John):

H. 602. To provide that the governing body of any municipality may enact proposals to regulate the opening and closing of businesses on Sunday, situated within its jurisdiction; to prescribe that such proposals shall only become effective upon the approval of the qualified electors within such municipality; and to limit the number of such elections.

Committee on State Administration.

By Rep. Harper (With Notice and Proof):

H. 603. Relating to Mobile County; requiring the county governing body to pay from the county general fund, or any fund designated for roads or bridges, the expense of relocating certain water pipes and lines, owned by rural water or municipal water systems when outside of the municipalities' police jurisdiction, as a result of certain public roads maintenance, construction, bridge repair or replacement; and repealing conflicting laws.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

**REGULAR SESSION
11th Day**

549

TACHED TO THE BILL, H. B. 603. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

**JOHN W. PEMBERTON,
Clerk.**

By Rep. Butler:

H. 604. To amend Section 11-46-69 of the Code of Alabama 1975, relating to procedure for contesting certain municipal elections, so as to provide further for such procedure by granting a municipal governing body discretion over whether a recount is necessary in such contested elections.

Committee on Local Government.

By Rep. Zoghby (With Notice and Proof):

H. 605. Relating to Mobile County; providing for a singular appropriation, in addition to any and all other appropriations, to the City of Mobile Reception Room Committee for furnishing the Mobile City Hall reception room, from funds received by the county for the City of Mobile, for the fiscal year ending September 30, 1984, from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 605. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

**JOHN W. PEMBERTON,
Clerk.**

By Rep. White (F) (With Notice and Proof):

H. 606. Relating to Escambia County; amending Section 3 of Act No. 82-305, S. 484, relating to providing supplemental fee allowances for constables and providing additional court costs, so as to provide for an allocation to the Escambia County Juvenile Fund and to provide for the authority of the County Juvenile Court Judge to expend such funds.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 606. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

**JOHN W. PEMBERTON,
Clerk.**

By Rep. White (F) (With Notice and Proof):

H. 607. Relating to Escambia County; amending Sections 1 and 2, Act No. 82-744, H. 105, 1982 Second Special Session, (Acts 1982, First, Second and Third Special Sessions, p. 215), providing for the payment, use and distribution of net monies received by the county from severance and privilege tax on oil or gas under local law, including funds received pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, so as to provide further for the distribution of such proceeds and to include the funds pursuant to Act. No. 83-889, H. 26, Fourth Special Session 1983, relating to revenues from submerged lands; and providing retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 607. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Zoghby (With Notice and Proof):

H. 608. Relating to Mobile County, to amend further Section 5 of an Act No. 242, S. B. 79, 1876 of the general assembly approved February 15, 1876 which regulates public schools in the County, as last amended by Act. No. 480, S. 485, 1969 Regular Session (Acts 1969, p. 937), which relates to the county board of education, so as to remove language which gives the board's express consent to be sued.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 608. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Adams:

H. 609. To provide for the issuance of permits by the Department of Conservation and Natural Resources for the use of crossbows during both archery and gun deer seasons for quadriplegics and paraplegics who may not be able to use a normal sporting firearm; to provide for the promulgation of rules and regulations relative thereto.

Committee on Natural Resources.

By Rep. Turner (With Notice and Proof):

H. 610. Relating to Mobile County; providing for the compensation and payment of salary of the members of the county governing body.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 610. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Faulk:

H. 611. To establish the "Forestry Improvement Act of 1984" and a State Forestry Improvement Program for the purposes of improving Alabama forestland and forestry development, and the manner of application therefor; to provide definitions, the powers, duties, and authority of the Alabama Forestry Commission relative to this program; to create the "Forestry Improvement Fund" and provide for the manner for depositing to, and making appropriations from such funds; to make certain appropriations from the net proceeds collected and deposited from the severance of forest products and the processing or manufacturing of forest products; to levy additional severance taxes to those taxes levied by Section 9-13-81 and 9-13-82 (a) and (b) of the Code of Alabama 1975, which also provides for privilege taxes levied on the severer and processor or manufacturer of timber; to

provide for certain duties of the Alabama department of revenue relative to the collection of revenues generated by such taxes and the maximum fee for such service; to provide for a committee of forest landowners and industry representatives to advise the Alabama Forestry Commission as to the implementation of such program; to authorize the Alabama Forestry Commission to secure any federal, state or local funds, grants or money; to authorize the local governments to appropriate or grant funds or money to the said commission for the program; and to provide for their duties and powers.

Committee on Natural Resources.

By Rep. Turnham:

H. 612. To amend Section 12-19-23, Code of Alabama 1975, to further provide for the fee to be collected in each judicial sale in any district or circuit court in this state; to provide a two dollar administrative fee for the receipt and disbursement of each payment made to the clerk of the circuit or district court or the register of the circuit court, whenever said clerk or register is required, either by order of the court or by statute to collect alimony, child support, or restitution on a periodic and continuing basis for the benefit of any individual, department or agency; to provide that the obliger of any such payment shall be responsible for the administrative fee herein created; to provide for notice to those persons responsible for said fee and to provide that said administrative fee shall be disbursed to the State general fund; to repeal Section 12-19-230 through Section 12-19-238 providing for witness fees in criminal cases; to provide for the severability of the provisions of this Act; and to provide for an effective date.

Committee on ways and means.

By Reps. Clark (W), Buskey (James), And Kennedy:

H. 613. To provide for a state historic park and landmarks district in Mobile County to be known as "Africatown, U.S.A. State Historic Park and Landmarks District"; to provide for a public corporation for the purpose of developing, improving and maintaining such park and district; to prescribe the boundaries of such park and district and to authorize the Governor to enter into certain agreements with the progressive league for the development, supervision and maintenance of such park and district.

Committee on Ways and Means.

By Reps. Holley and Flowers:

H. 614. To create an additional judgeship for the twelfth judicial circuit in the state; to provide that the judge filling such judgeship shall serve as the judge of the family relations division of the circuit; to provide for the appointment of such additional judge and for the election of successors; to prescribe the jurisdiction, powers, qualifications, duties and compensation of such judge; and to amend further Section 12-17-20 of the Code of Alabama 1975, so as to provide for such judge.

Committee on Ways and Means.

By Rep. Clark (J):

H. 615. To amend § 40-25-2, Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; to amend Section 40-25-23 to provide for disposition of the proceeds of the tobacco tax; to enact Section 40-25-29, Code of Alabama, 1975, to ensure consistency in the manner of taxing

cigarettes within the State of Alabama; and to repeal Sections 40-25-60, 40-25-61 and 40-25-62, Code of Alabama, 1975.

Committee on Ways and Means.

By Rep. Zoghby:

H. 616. To regulate certain activities relating to possession of and transactions in drug paraphernalia; to define certain terms relating to such paraphernalia; to make it unlawful to engage in certain activities relating to such paraphernalia; to prescribe penalties for such unlawful acts and to repeal and supercede those provisions of Chapter 2, Title 20 of the Code of Alabama which heretofore regulated "drug related objects."

Committee on Judiciary.

By Reps. Cosby and Campbell:

H. 617. To amend Section 10-4-109, Code of Alabama 1975, relating to the regulations of rates, charges, fees and dues to be paid by the public for certain health care service plans, so as to require that payments made by such health care service plans to health care facilities shall be made based on charges rather than audited costs.

Committee on State Administration.

By Rep. Tanner:

H. 618. To amend Sections 32-13-1 through 32-13-4, Code of Alabama 1975, so as to provide for and regulate further the sale of an abandoned motor vehicle, specifically providing further for notice to the owner, secured parties and lienholders of the intended sale of such vehicle and authorizing and providing for a court hearing to determine whether the vehicle is abandoned and should be sold.

Committee on Judiciary.

By Reps. Tanner, Pratt, Moore, Fuller, White (L), Melton, Escott, Davis, Rogers, Beers, Lindsey, Dutton, Marietta, Burke, McDowell, Flowers, Hooper, Faulk, Nicholson, White (F), and Horn:

H. 619. To provide for "lifeline telephone service" for eligible citizens of this state and to provide for the implementation and regulation by the Alabama Public Service Commission and the Alabama Department of Pensions and Security and to provide guidelines for charges for such service.

Committee on Judiciary.

By Reps. Bugg and Junkins (With Notice and Proof):

H. 620. Relating to Etowah County; authorizing certain county health officers or administrators to issue official death certificates, levy and collect fees therefor; and providing for the distribution of such revenues for county health purposes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 620. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Bugg and Junkins (With Notice and Proof):

H. 621. To authorize the Etowah County Commission to establish and maintain a contingency fund to be used for such purposes as the county commission deems appropriate; to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1984, and in subsequent fiscal years, and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 621. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Bugg and Junkins (With Notice and Proof):

H. 622. Relating to Etowah County; authorizing certain county officials to use mechanical or facsimilie devices for signatures on warrants or checks drawn on the county treasury of depository.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 622. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Rogers:

H. J. R. 146. COMMENDING OMICRON LAMBDA CHAPTER OF ALPHA PHI ALPHA FRATERNITY.

WHEREAS, the Alabama Legislature notes with utmost commendation the selection of Birmingham's Omicron Lambda Chapter of Alpha Phi Alpha Fraternity as the State of Alabama's "Alumni Chapter of the Year"; and

WHEREAS, this prestigious designation was bestowed upon Omicron Lambda Chapter in recognition of the organization's involvement and participation in numerous community functions and activities; and

WHEREAS, it is further to be noted that Omicron Lambda Chapter, through such commendable service, has played a leadership role in helping the City of Birmingham develop into the great and thriving metropolis that it is today; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Omicron Lambda Chapter of Alpha Phi Alpha Fraternity for outstanding service and contributions to the City of Birmingham; we further congratulate Omicron Lambda as the State of Alabama's "Alumni Chapter of the Year" and direct that a copy of this resolution be forwarded to the membership of said fraternal chapter.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 146, was adopted.

Also:

By Rep. Flowers:

H. J. R. 147. MOURNING THE DEATH OF STATE CONSERVATION OFFICER GRADY RUSSELL JACKSON.

WHEREAS, in deep sadness and regret, the Legislature of Alabama records the death of Mr. Grady Russell Jackson of Troy, Alabama, on February 11, 1984, at the age of 61 years; and

WHEREAS, it is to be noted that Mr. Jackson, an exemplary state employee, died while on duty in Pike County in his capacity as State Conservation Officer; and

WHEREAS, Mr. Jackson, a native of Madison County, had been with the Department of Conservation and Natural Resources since 1962 and had thus served with dedication and devotion to duty for 22 years, a distinguished tenure which had earned for him the highest regard of his department superiors, co-workers and peers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of State Conservation Officer Grady Russell Jackson of Troy, Alabama, and extend our very deepest and heartfelt sympathy to his wife, Mrs. Geraldine Jackson, and other family members to whom a copy of this resolution shall be sent in expression of our shared sorrow and of our concern for them in their great and grievous loss.

On motion of Rep. Flowers, the rules were suspended and the resolution, H. J. R. 147, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 148. COMMENDING MR. J. D. GRIMES OF PIKE COUNTY, ALABAMA, UPON HIS INDUCTION INTO THE ALABAMA LIVESTOCK HALL OF FAME

H. J. R. 66 TAKEN UP

And the resolution:

H. J. R. 66. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE PURCHASE OF A PORTION OF DAUPHIN ISLAND.

Which was reported favorably by the Standing Committee on Rules and temporarily postponed on the ninth legislative day, was taken up.

On motion of Rep. Kvalheim, the resolution, H. J. R. 66, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Butler:

H. R. 149. MOURNING THE DEATH OF MR. RUFUS EDWARD HARTMAN OF HARVEST, ALABAMA.

Also:

The following resolutions were introduced.

By Rep. Rains:

H. J. R. 150. COMMENDING MR. AND MRS. LUTHER EDGAR BETHUNE ON THEIR 53RD WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the 53rd Wedding Anniversary, May 25, 1983, of Mr. and Mrs. L. E. (Luke) Bethune of Leeds, Alabama; and

WHEREAS, in the sight of God, Luther Edgar Bethune and Lillian Stephen Johnson were joined in wedlock on May 25, 1930, in Jackson County, Alabama, and these two fine people, forsaking all others, have remained in said Holy state for 53 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Bethune are the parents of three children and are the loving grandparents of eleven wonderful grandchildren; and

WHEREAS, both Mr. and Mrs. Bethune have been members of the Baptist Church for more than 50 years, currently of Tenbroeck Baptist Church where Mrs. Bethune continues, as always, in a leadership role; her hobbies include needlework, cooking and homemaking in general while Mr. Bethune's interest is basketball, a sport he played for 27 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Leeds, Alabama, and wish them many more years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Bethune that they may know of our congratulations and warm best wishes.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 150, was adopted.

Also:

By Rep. Turner:

H. J. R. 151. COMMENDING MR. NORMAN H. DAVIS FOR OUTSTANDING SERVICE AS DIRECTOR OF THE MOBILE COUNTY EMERGENCY MANAGEMENT AGENCY.

WHEREAS, on February 1, 1984, Mr. Norman H. Davis retired as Director of the Mobile County Emergency Management Agency, thus concluding a distinguished tenure of some ten years in leadership capacity of MCEMA, formerly Civil Defense; and

WHEREAS, Mr. Davis, whose accomplishments have received national as well as local recognition, initiated reorganizational efforts of the agency which greatly improved the staff's preparedness and response to disaster situations; and

WHEREAS, under Mr. Davis' leadership, for example, MCEMA has been directly credited for the minimization of loss of lives and property during Hurricane Frederic; and

WHEREAS, Mr. Davis, who is a native of Louisiana and a graduate of Louisiana State University, also is a veteran of World War II, retired as a Captain following four years' active duty with the United States Army, two years of which were spent in combat in the Eastern Theatre of Operations; his decorations include both the Silver Star and The Croix de Guerre; and

WHEREAS, prior to Mr. Davis' tenure with the Mobile County Emergency Management Agency, he had been associated variously with the Extension Service, a marketing firm, the Mobile Area Community Action Agency and the County treasurer's office; and

WHEREAS, Mr. Davis is a member of Springhill Presbyterian Church, past president of the Alabama Civil Defense Association, site committee chairman of the U. S. Civil Defense Conference, a former member of the Alabama Public Television Advisory Board, and a member also of the Greater Mobile Industrial Association and the Southwest Alabama Emergency Medical Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Norman H. Davis for outstanding accomplishment; we further wish him every continuing success in all future endeavors and direct that he receive a copy of this resolution, in expression of our utmost regard.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 151, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to wit:

H. 177. To amend Sections 25-4-55, 25-4-56, 25-4-57, 25-4-58, 25-4-70, 25-4-75 and 25-4-77, Code of Alabama 1975, as last amended so as to provide that the Special Federal Advance Interest Repayment Fund established by ACT 83-178 will be permanently available as mandated by P. L. 98-21, and to provide for disbursement therefrom, and for discontinuing assessments thereafter when no funds are due or needed; and to provide for disposition of any balances in such fund; to expand the provisions of the Code to provide for denial of benefits during customary vacation periods and holiday or other usual recesses to the same extent as now provided for between term and academic year periods; to provide denial of benefits to employees of certain educational service agencies to the same extent and under the same conditions as now provided for employees of educational institutions; and to define "educational service agencies"; and to exempt from disqualification from receiving benefits individuals whose failure to seek work was due to jury duty as defined herein.

Also:

H. 330. To provide for the salary of the probate judge of St. Clair County and to provide for retroactive effect.

Also:

H. 331. Relating to St. Clair County; to provide for additional expense allowance for certain county officials.

Also:

H. J. R. 77. COMMENDING THE ALABAMA ASSOCIATION OF THE NATIONAL HONOR SOCIETY.

Also:

H. J. R. 91. CREATING A JOINT LEGISLATIVE-JUDICIAL COMMITTEE TO STUDY, DEVELOP PLANS, AND MAKE RECOMMENDATIONS FOR A NEW JUDICIAL BUILDING FOR THE STATE OF ALABAMA.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles has been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Carothers, Grimsley and Mathis:

H. J. R. 152. COMMENDING DOTHAN HIGH SCHOOL BAND AND DIRECTORS, TONY AND RHONDA WHETSTONE.

WHEREAS, the Dothan High School Band, under the direction and leadership of Tony and Rhonda Whetstone for the past three years, has excelled in its accomplishments; and

WHEREAS, in 1982, the band received superior ratings in the District Contest in Troy and the State Contest; and

WHEREAS, in 1983, the band received superior ratings in the District and State Contests and the Central Alabama Marching Festival and the Southeastern States Marching Festival; and

WHEREAS, during the past three years, Dothan High School Band Students have participated in the All-State Band; and

WHEREAS, for the past two years, students from the band have participated in the Alabama Bandmasters Association Reading Band; and

WHEREAS, the band participates annually in the National Peanut Festival Parade; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Dothan High School Band

and Directors Tony and Rhonda Whetstone, are hereby commended for their performance and accomplishments.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Dothan High School Band for appropriate school display and a copy to Tony and Rhonda Whetstone as tokens of our high praise and esteem.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 152, was adopted.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 153. COMMENDING BUNNIE E. SUTTON, MOBILE, ALABAMA, FOR HER OUTSTANDING CIVIC AND CHARITABLE CONTRIBUTIONS.

WHEREAS, the Alabama Legislature notes that Mrs. Bunnie E. Sutton, Mobile, Alabama, has devoted her time and talents, to an extraordinary degree, to the Alzheimers' Disease Family Support Group, Inc., and in other areas combating this dread disease; and

WHEREAS, Alzheimer's Disease is the worst of all diseases, not just for what it does to the victim, but for its devastating effect on family and friends financially, physically, mentally, emotionally, and socially. We have a moral responsibility to offer support to these people in whatever way we possibly can, especially the primary care-giver; and

WHEREAS, Mrs. Bunnie Sutton currently serves as President of Alzheimer's Disease Family Support Group and is past Publicity Chairman for said organization; and

WHEREAS, Mrs. Bunnie E. Sutton, married to Mr. Shelby A. Sutton and the mother of three daughters is active in the spiritual and religious development of the youth of Cottage Hill Baptist Church and is a prayer partner in the twenty-four hour ministry of the church; and

WHEREAS, Mrs. Bunnie E. Sutton has made immeasurable, selfless contributions to many other civic organizations and has served as: Assistant City Chairman for the March of Dimes, a member of the jaycettes for five years and is past Ladies Chairman for the Ten Outstanding Young Men of America in Congress hosted in Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most highly commend Mrs. Bunnie E. Sutton for her dedicated work to overcome the battle for life of victims with Alzheimer's Disease and for their families, and her many other efforts to improve the lot of her fellowman.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to Mrs. Bunnie E. Sutton so that she may know of our high regard.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 153, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 154. COMMENDING MS. TRUDY CARGIL.

H. 362 AGAIN TAKEN UP

And the bill, H. 362 and pending amendment, which was previously temporarily postponed, was again taken up.

AMENDMENT ADOPTED

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, and the amendment was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beers, Box, Britnell, Brooks, Browder, Bryant, Burke, Butler, Carter, Clark (D), Coleman, Cosby, Crow, Gaston, Goodwin, Gray, Grouby, Harper, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Laird, McKee, Mathis, Mikell, Moore, Payne, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Turner, Warren, White (G), White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Harvey offered the following amendment to the bill, H. 362, as amended:

Amend H. B. 362 on Page 1, line 33 by deleting the words *or refuse to hire*, and on Page 7, line 12 by deleting the words *refuse to hire*

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beers, Blakeney, Britnell, Brooks, Bryant, Burke, Butler, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Gaston, Goodwin, Gray, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (Roy), Kvalheim, Laird, McKee, Mathis, Mikell, Moore, Nicholson, Onderdonk, Payne, Seibels, Smith, Starkey, Starr, Tanner, Turner, Venable, White (G) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 362. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blakeney, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (Roy), Junkins, Kvalheim, Laird, McKee, McMillan, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Preuitt, Rains, Rice, Richardson, Seibels, Smith, Starkey, Turner, Turnham, Venable, Warren, White (G) and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 362:

Reps. Albright, Beers, Blakeney, Britnell, Brooks, Burke, Cosby, Flowers, Gray, Grouby, Hall, Junkins, Moore, Newman, Onderdonk, Payne, Rains, Richardson, Seibels, Smith, Starkey, Tanner, Turner, White (G), White (L) and Zoghby.

H. 440 TAKEN UP

And the bill:

H. 440. To provide a Crime Victims Compensation Commission, procedures relating to their appointment, terms, compensation, powers and duties; to provide provision for office, support, staff and secretarial services of such commission; to provide for awards for compensation, for economic loss under certain circumstances to qualified applicants; to provide for the limiting of awards under certain circumstances; to provide restrictions for Commission authority as to claimant and possible collateral source benefits; to provide for medical examination requirements including limited waiver of physician-patient privilege; to provide award without requirement of prose-

cution or conviction of any individual; to provide procedures for subrogation rights; to provide for special types of awards procedures; to provide for annual reports and their distribution; to provide further for audits of the Commission; to provide further for surety bond of members, agents and employees; to provide further for the Alabama Crime Victims Compensation Fund and payments thereto by certain persons; to provide further for the taxing or assessing of additional court costs, assessments or penalties; to provide further for the exemption of compensation from state or municipal taxation and certain writs of garnishment or attachment; to provide further for discretionary contributions by county and municipal governments; to provide further for certain persons to be ineligible for compensation; to provide further for criminal penalties to be attached to certain acts by members, agents, or employees of the Commission; to provide further for other criminal penalties in regard to claimants and other persons who perform certain acts or omissions; to provide further for other criminal penalties for persons who perform certain acts in regard to monies or securities of the Commission held in trust or otherwise; and to provide further for other criminal penalties in regard to false claims.

Which previously was temporarily postponed, was taken up.

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 440:

In Section 16, page 19, line 29, add the following subsection:

(J.) No more than 10% of the monies collected for a victim shall be deducted as costs for the administration of this act.

AMENDMENT ADOPTED

And the Amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beers, Blakeney, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Flowers, Gaston, Goodwin, Hammett, Harper, Harvey, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, Mathis, Moore, Newman, Onderdonk, Parker, Payne, Penry, Poole, Rains, Rice, Richardson, Seibels, Smith, Starkey, Tanner, Turner, Venable, Warren, White (G), White (L) and Zoghby.

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CO-SPONSOR ADDED

Rep. Holmes was added as co-sponsor to the bill, H. 440.

AMENDMENT OFFERED

Rep. McKee offered the following amendment to the bill, H. 440, as amended:

Amend H. B. 440 on page 19, Section 16, line 24 by (striking) after the word Grants, the following: Appropriations also on page 19, Section 16, Line 27, Strike the word Appropriations.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Blakeney, Boles, Brooks, Bugg, Burke, Butler, Carter, Clark (D), Coleman, Crow, Faulk, Flowers, Fuller, Gaston, Gray, Grimsley, Hammett, Harper, Hettinger, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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Nays:

Reps.: Escott and Perdue.

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H. 440 TEMPORARILY POSTPONED

On motion of Rep. Browder, the bill, H. 440 as amended, was temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Albright, the rules were suspended in order to take up out of order the bill, S. 120.

And the bill:

S. 120. To authorize and make provision for the incorporation of Railroad Authorities as public corporation for the purpose of acquiring, constructing, equipping, improving, maintaining, developing, and operating railroads, railroad properties and facilities, and other buildings and facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities, which are being abandoned by any railroad pursuant to final ICC authority; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama, as defined, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain powers; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments of construction or purchase contracts; to provide that any county, city, town or other political sub-division, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents,

servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county, city or town within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

Was taken up.

SUBSTITUTE OFFERED

Rep. Albright offered the following substitute to the bill, S. 120:

A BILL TO BE ENTITLED AN ACT

To authorize and make provision for the incorporation of railroad authorities as public corporations for the purpose of acquiring, constructing, equipping, improving, maintaining, developing and operating railroads, railroad properties and facilities, and other buildings and facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama in which there are located certain railroad properties that the operator thereof has notified the Interstate Com-

merce Commission of an intention to abandon, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each Authority; to endow each such Authority with eminent domain powers, subject to certain limitations; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments and by local governmental authorities of construction or purchase contracts and from all Alabama Public Service Commission regulation other than rate regulation; to provide that any county, city, town or other political subdivision, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the income of any such Authority; to exempt all property of any such Authority from all taxation, subject to certain limitations insofar as exemption from state property taxation is concerned; to authorize the investment of any idle funds of any county, city or town within the State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions. When used in this Act, unless the context plainly indicates otherwise, the present tense shall include the future tense, the singular shall include the plural, the plural shall include the singular and the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Additional Rail Service Area” means any territory that is outside the boundaries or corporate limits (as the case may be) of any of its Authorizing Subdivisions and that the governing body of the county, and of any city or town, in which such territory is located has by resolution designated as an area in which the Authority may render Rail Transportation Service.

“Authority” means any public corporation organized pursuant to this Act or any law amendatory thereof or supplemental thereto.

“Authorizing Subdivision” means any county, city or town in this State in which there are located Railroad Properties and Facilities which the operator thereof has notified the Interstate commerce Commission of an intention to abandon, and whose governing body receives an application for permission to organize an Authority.

“Board” means the Board of Directors of an Authority.

“Bond” means any bond authorized to be issued pursuant to the provisions of this Act.

“Coupon” means any interest coupon evidencing an installment of interest payable with respect to a Bond.

“Director” means a member of a Board.

“Federal Government” means the United States of America or any department, division, commission or agency and instrumentality thereof, including (without limitation) the Department of Transportation and the Interstate Commerce Commission.

“Indenture” means a mortgage, an indenture of mortgage, deed of trust, trust agreement or trust indenture executed by an Authority as security for Bonds.

“Person” means an individual, a corporation, a partnership or a foreign domestic association.

“Railroad” means a common carrier by railroad as defined in Section 1(3) of Part I of the Interstate Commerce Act [codified as 49 U.S.C. § 1(3)].

“Railroad Properties and Facilities” means any real or personal property or interest in such property which is owned, leased or otherwise controlled by a Railroad or other Person, including (without limitation) an Authority, and which are used or are useful in Rail Transportation Service, including, without limiting the generality of the foregoing:

(i) Track, roadbed and related structures, including rail, ties, ballast, other track materials, grading, tunnels, bridges, trestles, culverts, elevated structures, stations, office buildings used for operating purposes only, repair shops, engine houses and public improvements used or useful in providing Rail Transportation Service:

(ii) Communication and power transmission systems for use by railroads;

(iii) Signals and interlockers;

(iv) Terminal or yard facilities and services to express companies, Railroads and their shippers, including ferries, tugs, car floats and related shore-side facilities designed for the transportation of equipment by water; and

(v) Shop or repair facilities or any other property used or capable of being used in providing Rail Transportation Service or in connection with such Service or for originating, terminating, improving and expediting the movement of equipment or goods.

"Rail Transportation Service" means both freight and passenger rail service.

"State: means the State of Alabama.

Section 2. Authority and Procedure to Incorporate. Pursuant to the provisions of this Act, Authorities may be organized as public corporations with the powers herein set forth. To organize an Authority, not fewer than three natural persons shall file with the governing body of any one or more counties, cities or towns within this State in which there are located Railroad Properties and Facilities which the operator thereof has notified the Interstate Commerce Commission of an intention to abandon, an application in writing for permission to incorporate a public corporation under the provisions of this Act and shall attach to such application a proposed form of certificate of incorporation for such corporation. If each governing body with which the application is filed shall adopt a resolution (which need not be published or posted) approving the form of such certificate of incorporation and authorizing the formation of such a public corporation, then said applicants shall become the incorporators of and shall proceed to incorporate an Authority as a public corporation in the manner hereinafter provided, using for that purpose the form of certificate of incorporation so approved.

Section 3. Contents of Certificate of Incorporation. The certificate of incorporation of an Authority shall state: (a) the names of the incorporators together with the residence of each thereof, and a statement that each of them is a duly qualified elector of and owner of property in the State; (b) the name of the Authority (which name shall include the words "Railroad Authority"); (c) the period for the duration of the Authority (If the duration is to be perpetual that fact shall be so stated); (d) the name of each Authorizing Subdivision, together with the date on which the governing body thereof adopted a resolution authorizing the incorporation of the Authority; (e) the proposed location of the principal office of the Authority, which shall be in this State; (f) the number of directors which shall be not less than three, the duration of their respective terms of office (which shall not be in excess of five years), and, subject to the provisions of Section 5 hereof, the manner of their election or appointment; and (g) any other matters relating to the Authority that the incorporators may choose to insert and that is not inconsistent with this Act or with other laws of the State.

Section 4. Execution and Recording of Certificate of Incorporation. The certificate of incorporation of an Authority shall be signed and acknowledged by the aforesaid incorporators before an officer authorized by the laws of the State to take acknowledgements to deeds and shall have attached thereto a certified copy of each of the resolutions provided for in Section 2 hereof and a certificate by the Secretary of State that the name proposed for the Authority is not identical to that of any other corporation organized under the laws of the State or so nearly similar thereto as to lead

to confusion and uncertainty. The certificate of incorporation of an Authority, together with the documents required by the preceding sentence to be attached thereto shall be filed for record in the office of the Judge of Probate of the county in which the principal office of the Authority shall be located. The Judge of Probate shall forthwith receive and record the same. When such a certificate of incorporation and attached documents have been so filed, the Authority referred to therein shall come into existence and shall constitute a public corporation under the name set forth in such certificate of incorporation, whereupon the Authority shall be vested with the rights and powers herein granted.

Section 5. Board of Directors of the Authority. Each Authority shall be governed by a board of directors composed of the number of Directors provided in its certificate of incorporation, all whom shall be selected in accordance with the provisions of this section. If there is to be only one Authorizing Subdivision (whether a county, city or town), the governing body of the Authorizing Subdivision shall elect all the Directors. If there is to be more than one Authorizing Subdivision, the respective governing bodies of the Authorizing Subdivisions shall each elect the same number of Directors; and one additional Director shall be elected jointly by the governing bodies of all the Authorizing Subdivisions. Each Director shall be a resident of the Authorizing Subdivision by whose governing body he was elected, except that the said additional Director need only be a resident of the county in which is located the principal office of the Authority, as specified in its certificate of incorporation. In the event of a vacancy which continues for more than thirty (30) days in the office of the said additional Director, then and in such event the Governor of Alabama shall, upon the request of the governing body of any Authority Subdivision, appoint the said additional Director. No officer of the State or any county, city or town therein shall, while holding such office, be eligible to serve as a Director. If any Director resigns, dies or becomes incapable or ineligible to act as a director, a successor to serve the unexpired portion of this term shall be elected in the manner prescribed hereinabove by the governing body of the Authorizing Subdivision which elected the Director whose unexpired term he is filling or, in the case of the said additional Director, by all such governing bodies. Failing such election for a period of more than thirty (30) days, such successor shall, upon the request of the governing body of any Authorizing Subdivision, be appointed by the Governor of the State. Directors shall be eligible for re-election.

A majority of the Directors shall constitute a quorum for the transaction of business but any meeting of the Board may be adjourned from time to time by a majority of the Directors present or may be so adjourned by a single Director if such Director is the only Director present at such meeting. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the powers and duties of the Authority. The Board shall hold regular meetings on the second Tuesday in each month and at such other times as may be provided in the bylaws of the Authority; and the Board may hold other meetings at anytime and from time to time, provided that upon call of the chairman of the Authority or any two Directors, a special meeting of the Board must be held. Any matter on which the Board is authorized to act may be acted upon at any regular, special or called meeting. At the request of any Director, the vote on any question before the Board shall be taken by yeas and nays and entered upon the record. All proceedings of the Board shall be reduced to writing by the secretary of the Authority, recorded in a well bound book and open to each Director and to the public at all reasonable times. Copies of such proceedings, when certi-

fied by the secretary of the Authority under its seal, shall be received in all courts as evidence of the matters and things therein certified.

Directors shall receive no compensation for their services as directors; however, each Director may be reimbursed for expenses actually incurred by him in and about the performance of his duties. Any Director may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the State for impeachment and removal of the officers mentioned in said Section 175.

Section 6. Officers of the Authority. The officers of the Authority shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as the Board shall deem necessary to accomplish the purposes for which the Authority was organized. The chairman, vice-chairman and secretary of the Authority shall be elected by the Board from its membership but neither the treasurer nor any of the other officers of the Authority need be a member of the Board. Subject to the provisions of the immediately preceding sentence, the offices of secretary and treasurer may, but need not be, held by the same person. The chairman, vice-chairman and secretary of the Authority shall be elected by the Board for a term of one year, and the treasurer and the other officers of the Authority shall be elected by the Board for such term as it deems advisable. The duties of the chairman, vice-chairman, secretary and treasurer shall be such as are customarily performed by such officers and as may be prescribed by the Board. The duties of any other officer of the Authority shall be such as are from time to time prescribed by the Board.

Section 7. Powers of the Authority—In General. Each Authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof incorporate form:

(1) to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation;

(2) to sue and be sued in its own name in civil suit and actions;

(3) to adopt and make use of a corporate seal and to alter the same at pleasure;

(4) to adopt and alter by-laws for the regulation and conduct of its affairs and business;

(5) to acquire, receive, take and hold, whether by purchase, gift, lease, devise, or otherwise, property of every description, whether real, personal or mixed, whether in one or more counties and whether within or without the boundaries or corporate limits (as the case may be) of any Authorizing Subdivision, and to manage said property, and to develop any undeveloped property owned, leased or controlled by it in a manner necessary or convenient to carry out the purposes of this Act;

(6) to execute such contracts and other instruments and to take such other action as may be necessary or convenient to carry out the purposes of this Act or the exercise of any power granted hereunder;

(7) to plan, establish, acquire (by purchase, gift, lease, or devise), construct, enlarge, reconstruct, improve, operate, maintain, replace, repair, extend, improve, regulate and protect Railroad Properties and Facilities within the boundaries or corporate limits (as the case may be) of any of its Authorizing Subdivisions and within any Additional Rail Service Area;

(8) to make the use and services of its Railroad Properties and Facilities available to others in the furtherance of the purposes of this Act and upon such terms and conditions as the Board shall deem proper, and to lease such Railroad Properties and Facilities to others upon such terms and conditions as the Board may determine, unless specifically provided for herein;

(9) to receive and accept contributions, grants or other financial assistance from the Federal Government, the State or any political subdivision thereof, to be used in furtherance of the purposes of this Act;

(10) to establish schedules of tolls, fees, rates, charges and rentals for the use of its Railroad Properties and Facilities and to charge, alter and collect such tolls, fees, rates, charges and rentals in carrying out the provisions of this Act;

(11) to make contracts and execute instruments containing such covenants, terms and conditions as in the judgment of the Board may be necessary, proper or advisable for the purpose of obtaining grants, loans or other financial assistance from any federal or state agency for or in the aid of the acquisition or improvement of the Railroad Properties and Facilities herein provided; to make all other contracts and execute all other instruments including, without limitation, licenses, long and short-term leases, mortgages and deeds of trust and other agreements relating to the Railroad Properties and Facilities within the boundaries or corporate limits (as the case may be) of any of its Authorizing Subdivisions and within any Additional Rail Service Area, and the construction, operation, maintenance, repair and improvement thereof as in the judgment of the Board may be necessary, proper or advisable for the furtherance of the purposes of this Act and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms and conditions of all such contracts or instruments;

(12) to acquire, by purchase, gift, devise or lease, existing Railroad Properties and Facilities, whether in one or more counties and whether within or without the boundaries or corporate limits (as the case may be) of any of its Authorizing Subdivisions;

(13) to issue revenue Bonds payable from the limited sources hereinafter referred to;

(14) to pledge for payment of such Bonds any revenues and funds from which such Bonds are made payable;

(15) to make and enter into contracts, leases and agreements incidental to or necessary for the accomplishment of any purposes for which the Authority was organized;

(16) to exercise the power of eminent domain in the manner and subject to the provisions of Title 18 of the Code of Alabama of 1975, as amended, with respect to any property, real, personal or mixed, whether in one or more counties and whether within or without the boundaries or corporate limits (as the case may be) of any Authorizing Subdivision; provided, that the Authority may not acquire by eminent domain any real property or rights owned or held by Railroads, transportation companies or utilities, either public or private;

(17) to appoint, employ, contract with and provide for compensation of such officers, employees and agents, including engineers, attorneys, consultants, fiscal advisers and such other employees as the business of the Authority may require, including the power to fix working conditions by gen-

eral rule and other conditions of employment, and at its option to provide a system of disability pay, retirement compensation and pensions, or any of them, and to hire and fire servants, agents, employees and officers at will;

(18) to provide for such insurance, including use and occupancy insurance, as the Authority may deem advisable;

• (19) to invest any funds of the Authority that the Board may determine are not presently needed for its corporate purposes in any obligations which are direct general obligations of the United States of America or which are unconditionally guaranteed as to both principal and interest by the United States of America, or in interest-bearing time deposits of any bank or savings and loan association organized under the laws of the State or of the United States of America;

(20) to cooperate with the State, any county, city, town, public corporation, agency, department, or political subdivision of the State, and to make such contracts with them or any of them as the board may deem advisable to accomplish the purposes for which the Authority was established;

(21) to sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful;

(22) to receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any Railroad Properties and Facilities from the United States of America or any agency thereof, and from the State, any department or agency thereof and any political subdivision thereof, and to receive and accept money, property, labor or other things of value from any source whatever; and

(23) to purchase equipment and supplies necessary or convenient for the exercise of any power of the Authority.

Section 8. Federal and State Aid. Each Authority is authorized to accept, receive, receipt for, disburse and expend Federal and State moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of the Act. All Federal moneys accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are not inconsistent with the laws of this State, and all State moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by law.

Section 9. Cooperation. For the purpose of aiding and cooperating with an Authority in the planning, development, undertaking, construction, extension, improvement or operation of Railroad Properties and Facilities, any county, city, town or other political subdivision, public corporation, agency or instrumentality of this State may, upon such terms and with or without consideration, as it may determine:

(a) Lend or donate money to an Authority;

(b) Cause water, sewer or drainage facilities, or any other facilities which it is empowered to provide, to be furnished adjacent to or in connection with such Railroad Properties and Facilities;

(c) Donate, sell, convey, transfer or lease to an Authority any land, property, franchise, grant easement, license or lease, which it may own;

(d) Donate, transfer, assign, sell or convey to an Authority any right, title or interest which it may have in any lease, contract, agreement, license or property;

(e) Furnish, dedicate, close, pave, repair, install, grade, regrade, plan or replan streets, roads, roadways and walks from established streets or roads to Railroad Properties and Facilities of an Authority; and

(f) Do any and all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with an Authority in the planning, undertaking, construction, reconstruction, acquisition or operation of Railroad Properties and Facilities.

Section 10. Suits against the Manager or any Director of the Authority. No action or suit shall be brought or maintained against the manager or any Director of an Authority for or on account of the negligence of the Authority of such manager or Director, or its or his agents, servants or employees, in or about the construction, maintenance, operation, superintendence or management of any Railroad Properties and Facilities or other property owned or controlled by the Authority.

Section 11. Bonds of the Authority. Each Authority shall have the power and is hereby authorized at any time and from time to time to issue and sell its revenue Bonds for any of its corporate purposes. The Principal of and the interest on all such Bonds shall be payable solely from, and may be secured by a pledge of, the revenues derived by the Authority from the operation, leasing or sale of any or all of its Railroad Properties and Facilities, and other property. No Bonds issued or contracts entered into by the Authority shall ever constitute or create an obligation or debt of the State, or of any county, city or town within the State, or a charge against the credit or taxing powers of the State, or of any county, city or town within the State. Bonds of the Authority may be issued by any time and from time to time, may be in such form, either in bearer form with appurtenant Coupons (and subject to registration as to principal or interest, or both, all as the Board may determine) or in fully registered form without Coupons, and in such denominations, may be of such tenor, may be payable in such installments and at such time or times not exceeding forty years from their date, may be payable at such place or places whether within or without the State, may bear interest at such rate or rates (which may be fixed or which may float or vary based on some index or other standard deemed appropriate by the Board), and shall be payable and evidenced in such manner, all as shall not be inconsistent with the provisions of this Act and as may be provided in the proceedings of the board wherein the Bonds shall be authorized to be issued. Any Bond having a stated maturity more than ten years after its date shall be made subject to redemption at the option of the Authority not later than the expiration of ten years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the proceedings of the Board wherein it is authorized to be issued. Bonds of the Authority may be sold at public or private sale in such manner and from time to time as may be determined by the Board. The Authority may pay all reasonable expenses, premiums, fees and commissions that the Board may deem necessary or advantageous in connection with the authorization, sale and issuance of its Bonds. All Bonds shall contain a recital that they are issued pursuant to the provisions of this Act, which recital shall be conclusive that they have been duly authorized pursuant to the provisions of this Act. Neither a public hearing nor the consent of any agency of the State or any subdivision thereof shall be prerequisite to the issuance of Bonds by any Authority. Notwithstanding the fact that they are payable solely from a specified source, all Bonds issued under the provisions of this Act shall be deemed negotiable instruments within the meaning of the nego-

tiable instruments law of the State if they otherwise possess all the characteristics of negotiable instruments under the laws of the State.

Section 12. Execution of Bonds. All Bonds shall be signed by the chairman or vice-chairman and the secretary or treasurer of the Authority and the seal of the Authority shall be affixed thereto. A facsimile of the signature of one, but not both, of the officers whose signatures will appear on the Bonds may be imprinted or otherwise reproduced thereon in lieu of his manually signing the same; provided, however, that a facsimile of the signature of both such officers may be imprinted or reproduced on such Bonds if such Bonds are required to be authenticated by the manual signature of the duly designated registrar of such Bonds, or an authorized officer of such registrar; and provided further, that a facsimile of the seal of the Authority may be imprinted or otherwise reproduced on the Bonds in lieu of being manually affixed thereto. Coupons shall be signed by the chairman or vice-chairman and the secretary or treasurer of the Authority, but a facsimile of the signature of such chairman or vice-chairman and such secretary or treasurer may be impressed or otherwise reproduced on any such Coupons in lieu of their manually signing the same. Delivery of Bonds so executed shall be valid notwithstanding any changes in officers or in the seal of the Authority after the signing and sealing of the Bonds.

Section 13. Security for Bonds. In the discretion of the Authority any Bonds may be issued under and secured by an Indenture between the Authority and a trustee. Said trustee may be a private person or corporation, including (but not limited to) any trust company or bank having trust powers, whether such bank or trust company is located within or without the State. In any such Indenture or resolution providing for the issuance of Bonds, the Authority may pledge, for payment of the principal of and the interest on such Bonds, any of its revenues to which its right then exists or may thereafter come into existence and may assign, as security for such payment, any if its leases, franchises, permits and contracts; and in any such Indenture, the Authority may mortgage any of its properties, including any that may be thereafter acquired by it. Any such pledge of revenues shall be valid and binding from the time it is made, and the revenues so pledged and thereafter received by the Authority shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether the parties have actual notice thereof, from the time a statement is filed in the office of the Judge of Probate of the county in which is located the principal office of the Authority (as specified in its certificate of incorporation) and any other county in which any part of the property, the revenues from which are so pledged, is located. Such notice need state only the date on which the resolution authorizing the issuance of the Bonds was adopted by the Board, the principal amount of Bonds issued, a brief description of the revenues so pledged and a brief description of any property the revenues from which are so pledged.

In any Indenture or resolution authorizing the issuance of Bonds and pledging for the benefit thereof revenues from any of its Railroad Properties and Facilities, the Authority shall have the power to include provisions customarily contained in instruments securing evidence of indebtedness, including, without limiting the generality of the foregoing, provisions respecting the collection, segregation and application of any rental or other revenue due to or to become due to the Authority, the terms to be incorporated in any lease agreement respecting any property of the Authority, the maintenance and insurance of any building or structure owned by the Authority,

the creation and maintenance of special funds from any revenue of the Authority and the rights and remedies available in the event of default to the holders of the Bonds or the trustee under the Indenture, all as the Board shall deem advisable and as shall not be in conflict with the provisions of this Act. If there be any default by the Authority in payment of the principal of or the interest on the Bonds or in any of the agreements on the part of the Authority that may properly be included in any Indenture securing the Bonds, any holder of Bonds or Coupons, or the trustee under any Indenture if so authorized in such Indenture, may (in addition to any other remedies herein provided or otherwise available) either at law or in equity, by suit, action, mandamus or other proceedings, enforce payment or such principal or interest and compel performance of all duties of the Board and officers of the Authority, and shall be entitled as a matter of right, and regardless of the sufficiency of any such security, to the appointment of a receiver in equity with all the powers of such receiver for the operation and maintenance of the property of the Authority covered by such Indenture and the collection, segregation and application of revenues therefrom. The Indenture may also contain provisions restricting the individual right of action of the holders of the Bonds and Coupons.

Section 14. Use of Proceeds from Sale of Bonds. The proceeds derived from the sale of any Bonds (other than refunding Bonds) may be used only to pay the costs of acquiring, constructing, improving, enlarging and equipping the Railroad Properties and Facilities, or other property with respect to which they were issued, as may be specified in the proceedings in which the Bonds are authorized to be issued. Such costs shall be deemed to include the following: the costs of any land or easements forming a part of such Railroad Properties and Facilities or other property; the cost of labor, material and supplies used in any such construction, improvement or enlargement, including architects' and engineers' fees, and the cost of preparing contract documents and advertising for bids; the purchase price of, and the cost of installing equipment for use in connection with, such Railroad Properties and Facilities or other property; the cost of constructing and installing roads, sidewalks, curbs, gutters, utilities, and parking places in connection with such Railroad Properties and Facilities or other property; the amounts of any debt service, maintenance and capital improvement and other similar reserves deemed advisable; legal, fiscal and recording fees and expenses incurred in connection with the authorization, sale and issuance of the Bonds issued in connection with such Railroad Properties and Facilities or other property; and interest on said Bonds for a reasonable period prior to and during the time required for such construction, improvement, enlargement and equipment and for not exceeding eighteen months after completion thereof. If any of the proceeds derived from the sale of said Bonds remains undisbursed after completion of such work and payment of all of the said costs and expenses, such balance shall be used for retirement of the principal of or the interest on the Bonds of the same issue.

Section 15. Refunding Bonds. An Authority may at any time and from time to time issue refunding Bonds for the purpose of refunding the principal of and the interest on any Bonds of the Authority theretofore issued hereunder and then outstanding, whether or not such principal and interest shall have matured at the time of such refunding, and for the payment of any expenses incurred in connection with such refunding and any premium necessary to be paid in order to redeem, retire or purchase for retirement the Bonds to be refunded. The proceeds derived from the sale of any refunding Bonds shall be used only for the purposes for which the refunding Bonds were authorized to be issued. Any such refunding may be effected

either by sale of the refunding Bonds and the application of the proceeds thereof, or by exchange of the refunding Bonds for the Bonds or Coupons to be refunded thereby; provided that the holders of any Bonds or Coupons so to be refunded shall not be compelled without their consent to surrender their Bonds or Coupons for payment or exchange prior to the date on which they may be paid or redeemed by call of the Authority under their respective provisions. All provisions of this Act pertaining to Bonds of an Authority that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding bonds issued by an Authority. An Authority may at any time and from time to time issue Bonds for the purpose of so refunding the principal of and the interest on any of its Bonds and for any other purpose for which it is authorized to issue Bonds, in which event the provisions hereof respecting refunding Bonds shall apply only to that portion of such combined issue authorized for refunding purposes and the provisions hereof respecting other financing shall apply to the remaining portion of such combined issue.

Section 16. Exemption from Taxation. The Bonds issued by an Authority and the income therefrom shall be exempt from all taxation in the State. All property and income of an Authority shall be exempt from all State, county, municipal and other local taxation; provided, however, that this exemption shall not be construed to exempt concessionaires, licensees, tenants, operators or lessees of the Authority from the payment of any taxes, including licenses or privilege taxes levied by the State, any county or any municipality in the State; and provided further, that the property of an Authority shall be subject to State property taxation beginning in the tax year which begins next after the expiration of three years from the incorporation of the Authority.

Section 17. Investment of County and Municipal Funds in Bonds of the Authority. The governing body of any county, city or town within this State is authorized in its discretion to invest in Bonds of the Authority any idle or surplus money held in its treasury.

Section 18. Eligibility of Bonds as Investments for Trust Funds. Bonds issued under the provisions of this Act are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority. Such Bonds shall be legal investments for savings banks and insurance companies organized under the laws of the State.

Section 19. Notice of Bond Resolution. Upon the adoption by the Board of any resolution providing for the issuance of Bonds, the Authority may in its discretion cause to be published once a week for two consecutive weeks, in a newspaper that is customarily published in this State not less than five days in each calendar week and distributed in the county in which is located the principal office of the Authority, a notice in substantially the following form (the blanks being properly filled in) at the end of which there shall be printed the name and title of either the chairman or secretary of the Authority:

“ _____, a public corporation of the State of Alabama, on the _____ day of _____, authorized the issuance of \$ _____ principal amount of revenue bonds of the said corporation for purposes authorized in the act of the Legislature of Alabama under which the said corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and any instruments securing

such bonds, or the proceedings authorizing the same, must be commenced within thirty days after the first publication of this notice."

Any action or proceeding in any court to set aside or question the proceedings for the issuance of the Bonds referred to in said notice or to contest the validity of any such Bonds or the validity of the pledge and any instruments made to secure such Bonds must be commenced within thirty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said proceedings, the said Bonds or the said pledge or instruments shall be asserted, not shall the validity of the said proceedings, Bonds, pledge or instruments be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 20. Exemption from Contracting and Purchasing Laws and from Certain Public Service Commission Jurisdiction. Authorities organized pursuant to this Act shall be exempt from (a) all laws relating to the advertising and award of construction contracts and purchase contracts made by or in behalf of the State and its departments and by or in behalf of local governmental authorities in the State (not including, however, laws relating to surety bond requirements for such contracts), and (b) from all jurisdiction of and all regulation and supervision by the Alabama Public Service Commission (other than rate regulation) or other successor or similar agency.

Section 21. Dissolution of Authority. At any time when no bonds of an Authority are outstanding, such Authority may be dissolved upon the filing, with the Judge of Probate of the county in which is filed the certificate of incorporation, of an application for dissolution, which shall be subscribed by each Director and sworn to by each Director before an officer authorized to take acknowledgments to deeds. Upon the filing of such application for dissolution, the Authority shall cease to exist. Said Probate Judge shall receive and record the application for dissolution in an appropriate book of record in his office. Upon dissolution, all rights, title and interests of the Authority in property shall be vested in the Authorizing Subdivisions pursuant to the provisions of the certificate of incorporation, or, in the absence of such provisions, shall be vested in the Authorizing Subdivisions, share and share alike.

Section 22. Cumulative Provisions. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with the provisions of this Act.

Section 23. Severability. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 24. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

S. 120 TEMPORARILY POSTPONED

On motion of Rep. Albright, the bill, S. 120, and the pending substitute were temporarily postponed.

ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned until 10:00 o'clock a.m., Thursday, March 22, 1984.

TWELFTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 22, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Andrew W. Tampling, Executive Director, Alabama Baptist Retirement Centers, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the eleventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eleventh legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Turner, leave of absence was granted for Rep. Harper due to his absence from the state on legislative business.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 362. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

JIMMY CLARK,
Chairman,

And the bill, H. 362, as engrossed, was sent to the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 155. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, March 22, 1984, we adjourn to meet again on Tuesday, March 27, 1984, at 12:00 noon.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 155, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 156. BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Thursday, March 29, 1984, we adjourn to meet again on Tuesday, April 3, 1984; on Thursday, April 5, 1984; on Tuesday, April 10, 1984; on Thursday, April 12, 1984; on Tuesday, April 17, 1984; on Thursday, April 19, 1984; on Tuesday, April 24, 1984; on Wednesday, April

25, 1984; on Thursday, April 26, 1984; on Tuesday, May 1, 1984; on Wednesday, May 2, 1984; on Thursday, May 3, 1984; on Tuesday, May 8, 1984; on Wednesday, May 9, 1984; on Thursday, May 10, 1984; and again on Monday, May 21, 1984; and that when we adjourn on Monday, May 21, 1984, we adjourn Sine Die.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 156, was adopted.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 140. To amend Section 40-18-20, Code of Alabama 1975 so as to provide that the retirement income of military personnel shall be exempt from state, county, and municipal income taxes.

H. 530. To provide that any state employee eligible to participate in the Employees' Retirement System who was previously covered by a local retirement plan may elect to purchase any previous years of service from the Employees' Retirement System; and to provide for the funding and contribution rates for buying past years' service; and, to provide a deadline of October 1, 1984 to buy prior years' service.

H. 173. To amend § 12-18-110 of the Code of Alabama 1975 to provide for the purchase of withdrawn or terminated service in the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama by members of the Judicial Retirement Fund and to provide credit therefor under the Judicial Retirement Fund. To provide a method of calculation for the cost of service purchased under this act and to provide a time limitation for service purchased under this act.

H. 492. Relating to the City of Pelham, a municipal corporation; and create a Pelham Municipal Racing Commission for the regulation, licensing, qualification for licensing, and supervision of Greyhound Racing, and wagering thereon; to prescribe the composition, qualification, appointment, terms of office; powers and duties of the commission; to prescribe certain qualifications for applicants for licenses; to provide for and regulate the pari-mutuels or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other moneys received under the provisions of the Act; and to provide certain penalties for the violation of this Act and for other purposes relative thereto, and to provide for a referendum of the voters of the City of Pelham on the question of whether the Act will become effective in said municipality; to authorize the employment by said Racing Commission of special legal counsel in addition to representation by the office of the city attorney of said city; to prohibit members of said Racing Commission from making political contributions; to provide for the severability of the parts, sections and provisions of said Act.

H. 271. To establish the Alabama Bureau of State Lotteries and provide for the administration and operation of a state lottery; to establish the Legislative Lottery Oversight Committee and the membership, their appointment, duties and authority; to create the office of the commissioner of the bureau of state lotteries; to prescribe the powers and duties of the bureau and the commissioner, and the appointment, qualifications and compensation for the commissioner; to regulate the licensing of agents and the

sale of lottery tickets or shares; to provide for the collection of receipts and the distribution of net revenues; for purposes of the general fund, special educational trust fund, medicaid and as needed for a public works program to make an initial appropriation for the general fund of the state treasury to the bureau of state lotteries for implementing the provisions of this Act and to prescribe the manner of repayment of such funds to the said general fund; to require the commissioner to make certain reports to the Governor, the Lottery Advisory Committee, state treasurer and legislature and to prescribe post audits by the state auditor, to require certain state agencies and political subdivisions to provide assistance to the bureau; to require the director of public safety to make investigations in connection with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to exempt the bureau and commissioner from the public bid laws and the state merit system in order to assure the security and integrity of the lottery operation; to prohibit certain persons from purchasing lottery tickets or shares; to proscribe the levying of any state, county or local taxes upon the proceeds of any prize awarded by the state lottery; and to prescribe penalties for certain violations and crimes.

H. 272. Proposing an amendment to Section 65 of the Constitution of 1901, relating to state funding and lotteries.

The above bill was read a second time at length as required by the Constitution.

H. 554. To allow the Governor, the Director of Finance and the Commissioner of Agriculture and Industries to organize a public corporation for the purpose of issuing bonds or other debt securities to be used for constructing and maintaining an agricultural market facility and to renovate the existing Garrett Coliseum and other buildings on the Coliseum grounds; to provide procedures for the organization of said corporation; to set out powers of the corporation; to authorize the issuance of up to \$6,000,000 in securities, which shall be special obligations of the corporation, payable from specified sources and which shall not be obligations or debts of any kind of the State; to provide that not more than 60% of the proceeds of sale of such securities may be expended for the construction of an agricultural market facility and not more than 40% of such proceeds may be expended for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for methods of executing and selling such securities and for paying the principal of and any premium and interest on such securities; to provide that the monies realized from leases paid by the public for use of the market, after expenses incurred in operating the market are deducted, may be pledged and used to defray the cost of 60% of the securities; to provide that the monies obtained from the public for rents and other receipts realized from use of the Coliseum, after expenses incurred in operating the Coliseum are deducted, may be pledged and used to defray the cost of 40% of the securities; and to provide that, if all of the above funds are insufficient, then to pledge monies received from fees, licenses, permits, fines and penalties collected by the Department of Agriculture and Industries and paid into the agricultural fund, for the payment of the principal of and any premium and interest on the securities; to provide that any monies received from the sale of the securities shall only be used to construct, acquire and equip an agricultural market facility, and for renovation of the Coliseum and other buildings located on the Coliseum grounds; to provide that the State Board of Agriculture and Industries shall construct the market under the guidance of the State Building Commission; to provide that

the Agricultural Center Board shall be responsible for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for the refunding of the securities and procedures for the deposit, investment and disposition of proceeds of sale of the securities; to provide for limitation of any action to contest the validity of the securities; to provide that the securities are legal investments and that the securities of the corporation and any premium and interest thereon, the property and income of the corporation, and any public filings by it are exempt from taxation; and to provide for dissolution of the corporation.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 309. (With Substitute): To reopen the State of Alabama retirement systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of any of the State of Alabama retirement systems; to provide for the payment by the members of such service; and to provide for its termination.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 558. To amend Section 2-3-20, Code of Alabama (1975); to provide for farmers' market facilities throughout this State for the efficient handling and sale of agricultural and agriculture related products; to create a certain farmers' market committee to advise on matters pertaining to such facilities; to prescribe the composition of such committee and the terms, duties, meetings, regulations and compensation of its membership; to prescribe punishment for violators of regulations adopted pursuant to this Act.

H. 446. To amend Section 40-6A-2, Code of Alabama, 1975, which is related to the compensation of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State so as to provide further for the method of payment of salaries established in said chapter.

H. 578. To exempt George Lindsey Celebrity Benefit, Inc., and the Alabama Special Olympics or any predecessor organizations or entities, from the payment of all state, county and municipal sales and use taxes.

H. 298. To exempt the Alabama 4-H Club Foundation, Inc., from all state, county and municipal sales and use taxes.

H. 560. To amend Section 31-5-3, Code of Alabama 1975, relating to per diem, travel and mileage expense, so as to permit the State Board of Veterans Affairs to establish such.

H. 36. Authorizes the Department of Revenue to pay twelve hundred dollars annually to Appraisers, Mappers and Alabama Certified Tax Administrators who receive professional recognition as an Alabama Certified Appraiser, Alabama Certified Mapper and Alabama Certified Tax Administrator. The payment by the Department will be from funds now appropriated under Code of Alabama, 1975, Section 40-7-70.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 30. (With Substitute): To provide authority for the governing body of any Class 2 municipality covered by the Employees' Retirement System of Alabama, with the consent of the Board of the Employees' Retirement System of Alabama, to provide credit for the prior service of new employees to the extent of their prior service with public employers eligible for coverage under the Employees' Retirement System of Alabama, to provide for special membership service, to define prior service and to provide procedures.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 615. (With Amendment): To amend § 40-25-2, Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; to amend Section 40-25-23 to provide for disposition of the proceeds of the tobacco tax; to enact Section 40-25-29, Code of Alabama, 1975, to ensure consistency in the manner of taxing cigarettes within the State of Alabama; and to repeal Sections 40-25-60, 40-25-61 and 40-25-62, Code of Alabama, 1975.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 457. (With Substitute): To amend Sections 16-31-1 and 16-31-4, Code of Alabama 1975, relating to appropriations from the special educational trust fund to state institutions of higher learning for matching American Legion Scholarships, so as to increase such appropriations.

H. 157. (With Substitute): To provide for an annual adjustment in the amount of the per diem expense allowance and the monthly expense allowance paid to each member of the Legislature based on the annual rate of inflation for the southern region of the United States; and to provide that the Legislative Fiscal Office shall determine and certify annually to the Secretary of the Senate and the Clerk of the House of Representatives such rate of inflation on January 1 of each year.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 146. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

H. 147. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 181. (With Amendment): To amend Section 8-17-87, Code of Alabama, 1975, to provide that the inspection fee on gasoline be increased to \$.02 per gallon and the inspection fee on diesel fuel be increased to \$.02 per gallon. To amend Section 8-17-91, Code of Alabama, 1975, as amended, to provide for distribution of permit fees, inspection fees, penalties; refund of overpayments and to provide for appropriation of funds.

H. 182. (With Amendment): To amend Sections 40-12-248, 40-12-269 and 40-12-270, Code of Alabama, 1975, as amended, which relate to license taxes and registration fees on trucks and truck tractors so as to further provide for the collection, amount and distribution of such license taxes and registration fees.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 183. (With Amendment): To authorize the county commissions of the several counties of this state to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such counties not to exceed two cents (2 cents) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the county commissions of such counties to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commissions of such counties for the collection of said taxes.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 477. (With Substitute): To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, which provides for ad valorem tax exemptions, so as to provide further for the homestead provisions for persons 65 years old or older.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 176. To amend Section 13A-11-74, Code of Alabama 1975, relating to persons exempted from obtaining a license to carry a pistol, so as to exempt persons operating detective agencies.

H. 289. To provide that sentencing reports used by courts in sentencing criminal defendants contain a statement as to the impact of the offense upon the victim or the victim's family; to provide further that a victim or a

member of a victim's family or other representative of the victim be entitled to be heard at sentencing.

H. 324. To require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage or security and provides criminal sanctions for violating the provisions of this act.

H. 363. To amend § 15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor; and to specify the sentences to which this Act applies; to provide what shall be the effect of any holding that such a limitation on parole is ineffective or invalid; and to specify the effective date of this Act.

H. 390. To provide a test for determining whether a person is not guilty by reasons of insanity; to establish that a defendant has the burden of proving insanity; to amend Code of Alabama 1975, Section 13A-3-1; to specify the conduct to which this act applies; and to provide for an effective date.

H. 453. To prohibit the sale of a minor child and to make such a sale or offering to transact such a sale a Class C felony.

H. 502. To amend the Code of Alabama 1975, Section 34-23-94, relating to regulating appeals from decisions of the Alabama State Board of Pharmacy, so as to delete the requirement for de novo appeals and to substitute therefor appeals on the record in accordance with the Alabama Administrative Procedure Act.

H. 505. To provide that the sale or possession of a throwing star shall be a criminal offense; and to provide for penalties for violations.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 532. To provide for uniform observation of certain holidays and recesses.

H. 526. To amend Sections 36-28-1, 36-28-3, 36-28-4, 36-28-5, 36-28-6, 36-28-7, 36-28-8, 36-28-9 and 36-28-10 of the Code of Alabama 1975, which provide for a state social security agency, so as to provide further for a state office of social security under the state comptroller and to provide for certain penalties to be assessed on certain delinquent social security accounts processed by such state office.

S. 30. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, and the legislature's concurrence thereof.

H. 144. WHEREAS, the Racking Horse is a widely recognized, excellent breed of horse; and

WHEREAS, the Racking Horse is similar to the Tennessee Walking Horse and shares many admirable qualities of that breed; and

WHEREAS, the Racking Horse is admired for its smooth gait, its pow-

ers of endurance and its ability to maintain a rapid pace for long periods of time; and

WHEREAS, the Racking Horse is beyond any doubt the horse most appropriate to be designated as the official state horse for the State of Alabama; now therefore

H. 268. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

H. 571. Relating to the practice and occupations of plumbing and gas fitting work; to provide for the optional certification of such practices at a state level; to define legislative intent and definitions; to create the Alabama Board of Plumbing and Gas Certifications; to provide for the composition, meetings, business, powers and responsibilities of the board; to provide for local programs of certifying plumbers and gas fitters; to administer examinations, fees, and performance bonds of applicants who seek board certification; to provide for the deposit and use of fees; to make an appropriation from the state general fund to initiate the state program; to provide exceptions to this act; to preserve local programs operating pursuant to Act No. 529, H. 977, 1949 Regular Session; to expressly authorize future local laws for local certification programs; to authorize the publishing and distribution of a list of the board's certificates; to provide for a grievance procedure for actions of the board; to provide for enforcement of the provisions of this act; to authorize reciprocal agreements with other states; and to prescribe penalties for violations of this act.

H. 538. To amend Section 36-25-1 of the Code of Alabama 1975, relating to the code of ethics for public officials and employees, so as to further define public officials and peace officers.

H. 598. To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to authorize the department of economic and community affairs to prescribe procedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe penalties for violations of this act; to provide for certain personnel for the department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama, 1975.

S. 306. Relating to Civil War History; creating a state commission known as the Alabama Institute of Civil War History to be located in Birmingham; providing for a Board of Trustees; and prescribing the method of appointment, its duties and authorities, and providing for employees.

S. 285. To amend Section 36-17-3 of the Code of Alabama 1975, relating to the duties and functions of the state treasurer.

S. 287. To amend Section 36-17-16 of the Code of Alabama 1975 so as to further provide for the destruction of cancelled state warrants.

H. 601. To provide that no course of action shall lie in any court of

this state for injury or death sustained by any felon while in the act of committing or attempting to commit a felony or fleeing from the scene of a felony.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 593. (With Amendment): To provide for the department of public safety to issue special nondriver identification cards for retarded persons and to prescribe a certain issuance fee for such cards with the proceeds from such fees earmarked to said department.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 588. To amend Section 37-3-4 of the Code of Alabama 1975, relating to motor vehicle carriers as to exempt motor vehicle carriers transporting coke from regulation by the public service commission.

H. 582. To repeal Section 34-6-8 of the Code of Alabama 1975, relating to the prohibition of keeping, operating and exhibiting a pool or billiard table outside incorporated cities or towns.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 405. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years of age to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

H. 570. To amend Sections 34-23-30, 34-23-32, 34-23-50, and 34-23-52, Code of Alabama 1975, which provide license fees established by the board of pharmacy, so as to provide further for said fees.

H. 537. To amend Sections 34-23-30, 34-23-32, 34-23-50, and 34-23-52, Code of Alabama 1975, which provide license fees established by the board of pharmacy, so as to provide further for said fees.

H. 39. Relating to home health agencies in Alabama; providing for licensing of home health agencies; empowering the state board of health to grant and revoke such licenses; establishing an advisory board to assist the state board of health in carrying out the provisions of this act; and prescribing criminal penalties for violating certain provisions of this act.

H. 435. To amend Section 44-1-38, Code of Alabama 1975, relating to the maintenance of certain records of youth by the department of youth services so as to permit the destruction of such records.

H. 476. Relating to the functions of the Alabama board of funeral services; to amend Sections 34-13-50, 34-13-55, 34-13-70, 34-13-72, 34-13-90, 34-13-130 and 34-13-132 of the Code of Alabama 1975, so as to clarify the educational requirements of applicants for examination and licensure; to extend the time in which a license may be reinstated; to provide for payment of actual cost of any examination; and to provide further for terms of ser-

vice of an apprenticeship and the due date for the annual report of an apprentice.

H. 527. To amend section 3-1-29 of the Code of Alabama 1975, which section prohibits certain activities relating to fighting of dogs, so as to provide further for procedures relating to such prohibited activities.

Rep. Grayson, Chairman of the Standing Committee on Education reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 408. Amending Sections 16-36-7 and 16-36-27 of the Code of Alabama, 1975, so as to allow State adoption and purchase of educational materials for children enrolled in the public kindergartens of the State.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 504. To prohibit expansion of egg production in this state by certain corporations with certain exceptions; to prescribe comprehensive procedures and restrictions relating to enforcement of such prohibition; to prescribe criminal penalties for violations; and to provide certain powers and duties for the commissioner of agriculture and the attorney general.

S. 201. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of soybeans and soybean products; to amend Section 2-8-89 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of soybeans shall not exceed two cents per net bushel after deductions for foreign material on any soybeans sold by producers.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 550. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

H. 549. To amend Section 41-7-3 Code of Alabama 1975, which relates to the Advisory Board for the Bureau of Publicity and Information, so as to increase the membership of that Board from twelve to seventeen members.

H. 551. To amend Section 40-9-21, Code of Alabama 1975, relating to ad valorem tax exemption for certain persons who are 65 years of age or older or totally disabled persons, so as to provide an alternate method of proof.

H. 469. To amend Sections 41-9-340, 41-9-343, 41-9-347 and 41-9-355, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, so as to provide for the vacation of office by a member for failure to attend meetings, to increase the monetary limits for which a contract may be executed, to provide that said park shall honor all who participated in military defense of our nation and to forgive certain debts owed by the Commission to the Alabama State Docks.

S. 81. To amend the penalty provisions of certain code sections of Article 2 of Chapter 12 of Title 9, Code of Alabama 1975, specifically Sections 9-12-32 (private reefs), 9-12-33 (culling of oysters), 9-12-42 (oyster replanting), 9-12-45 (terrapins), 9-12-46 (minimum weight of commercial shrimp), 9-12-54.7 (live bait dealers), 9-12-82 (oyster catcher license), 9-12-114 (license for wholesale and retail dealers of fresh saltwater fish), 9-12-116 (inspection of places of business), 9-12-117 (illegal tackle, illegal fishing devices or unlicensed boats or vessels), and 9-12-121 (general penalty provisions of Article 2 of Chapter 12, Title 9), so as to increase the penalties thereof.

S. 82. To amend section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

H. 432. To amend section 9-12-82, Code of Alabama 1975, relating to commercial versus noncommercial collection of oysters.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 562. To allow persons seventeen years of age or older to donate blood without parental or guardian permission.

Rep. Escott, Vice-Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 499. To amend Sections 14-8-30, 14-8-31, 14-8-32, 14-8-33, 14-8-34, 14-8-35, 14-8-36, 14-8-37, 14-8-38, 14-8-39, 14-8-40, 14-8-41, 14-8-42 and 14-8-44 of the Code of Alabama 1975, relating to work release for certain inmates in county custody so as to provide for municipal, county and state inmates in county or municipal custody.

H. 561. To amend Sections 11-43A-8 and 11-43A-32, Code of Alabama 1975, which provides for the composition of the council in council-manager forms of city governments, so as to provide further for such composition.

H. 473. Relating to Class 6 municipalities; authorizing the governing body of any such municipality to adopt ordinances to provide for the protection of the historic character of the municipality; and providing for a Historic Preservation Commission.

H. 585. To make legislative findings regarding the need to provide additional methods of providing wastewater treatment facilities as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certificate of incorporation of any such corporation to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof; to authorize any such cor-

poration to acquire, construct, own, lease, operate, or enter into contracts for the operation of, wastewater treatment facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to authorize any such corporation to sell, under installment sales agreements or other contractual arrangements satisfactory to the corporation, any wastewater facility of the corporation, and to grant options to purchase any such facility; to empower any such corporation to enter into long-term exclusive contracts for the receiving, treatment and disposal of pollutants; to empower any such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources (including installment sales agreements) specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and income (including amounts to be received under installment sales or other contractual arrangements) and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation; to provide that the notes, bonds or other obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes, bonds and other obligations of any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues and income of such corporation, such transaction or actions to which each such corporation is a party or in which it may be involved, and the notes, bonds and all other obligations of each such corporation and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for liberal construction of the provisions of this act; to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any corporation organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality to enter into contracts, for a term not exceeding thirty (30) years; providing for the delivery to the corporation of pollutants and payments by such entity to the corporation; to provide that such entity may be required to make payments to such corporation with respect to such disposal and treatment of pollutants even though such corporation is at the time such payment is to be made unable to effect such treatment and disposal or such entity is at the time such payment is to be made unable to deliver such pollutants; to provide that to the extent that such contracts recite that the amounts payable thereunder shall be payable annually out of the general operating funds of such entity then such contracts shall not constitute a debt of any county, municipality or political subdivision, agency or instrumentality; to provide

that any such corporation shall be a not-forprofit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

S. 175. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 459. Relating to Geneva County; providing that a \$1,000.00 damage bond must be posted with the Geneva County governing body before any house or building is moved on any public road within Geneva County, Alabama.

H. 528. Relating to Sumter County; to amend Section 2 of Act No. 176, H. 656, Regular Session 1973 (Acts 1973, p. 217), as amended, which relates to expense allowances of the members of the county commission, so as to further provide for such expense allowances and to provide for its retroactive effect.

H. 541. Relating to Crenshaw County; providing for a discretionary expense allowance for members of the board of registrars, so as to make said expense allowance mandatory.

H. 559. To provide an annual supplemental salary for the Judge of the District Court of Chambers County.

H. 587. Relating to Butler County; providing an additional expense allowance for the county coroner; and to specifically repeal Act # 213, Acts of Alabama, Regular Session, 1951, page 475.

H. 606. Relating to Escambia County; amending Section 3 of Act No. 82-305, S. 484, relating to providing supplemental fee allowances for constables and providing additional court costs so as to provide for an allocation to the Escambia County Juvenile Fund and to provide for the authority of the County Juvenile Court Judge to expend such funds.

H. 607. Relating to Escambia County; amending Sections 1 and 2, Act No. 82-744, H. 105, 1982 Second Special Session (Acts 1982, First, Second and Third Special Sessions, p. 215), providing for the payment, use and distribution of net monies received by the county from severance and privilege tax on oil or gas under local law, including funds received pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, so as to provide further for the distribution of such proceeds and to include the funds pursuant to Act No. 83-889, H. 26, Fourth Special Session 1983, relating to revenues from submerged lands; and providing retroactive effect.

Rep. Horn, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 470. Relating to Jefferson County; to authorize the payment of a compensation incentive for personnel assigned by the sheriff on a regular basis to conduct internal investigations or assist in the accountability of funds governed by the sheriff of Jefferson County.

H. 498. Relating to Jefferson County; providing for the salary of the Assistant Tax Collector payable from the County General Fund.

H. 507. To provide a supplemental salary for the Circuit Clerk serving the Tenth Judicial Circuit.

H. 583. To amend Section 1 of Act No. 77 of the 1964 First Special Session of the Legislature of Alabama (Acts, First and Second Special Sessions of 1964, pp. 111-112) to make such act applicable to Class I cities and to provide for and fix the sum of \$1,000.00 per month as an allowance for expenses for the mayor or other chief executive officer of any such city for which he shall not be required to file an accounting; and to provide for the effective date of such increase.

H. 503. To provide a supplemental salary for the elected deputy circuit clerk serving the Bessemer Cut-Off Division of the Tenth Judicial Circuit.

H. 510. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Collector payable from the County General Fund and for an expiration date.

H. 584. Relating to the City of Birmingham; to further amend Section 3.07(h) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, page 1004), as amended, also known as the Mayor-Council Act of 1955 so as to provide, that the existing Council employees employed under such section, within 30 days of this bill becoming law, may withdraw from membership in any pension system for general employees of a city organized under said act, upon application for such withdrawal, and that such Council employees employed under said section shall be included in such general pension system of such city upon application for membership within 30 days of appointment.

H. 508. Relating to Jefferson County; providing for the salary of the Assistant Tax Assessor payable from the County General Fund.

H. 509. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Assessor payable from the County General Fund and for an expiration date.

Rep. Albright, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 336. (With Amendment): Relating to Madison County, the City of Huntsville School Board members; providing for the election and terms of such members; and specifically repealing Section 1 of Act No. 587, S. 495, 1907 Regular Session (Local Acts 1907, p. 725), relating thereto, and conflicting laws.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 157. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following bills in the order named be made the special, paramount and continuing order of business beginning Thursday, March 22, 1984, taking precedence over any other business of the House and any other pending Special Order until such time as said bills are disposed of:

Bill No.	Sponsor	Short Title	Page
H. B. 233	Campbell	Constitutional Amendment — property tax	79
H. B. 222	Campbell	Constitutional Amendment — income tax	84

SUBSTITUTE OFFERED

Rep. Penry offered the following substitute to the resolution, H. R. 157:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning Thursday, March 22, 1984, taking precedence over any other business of the House.

Introduction of Bills and Resolutions

And the following bills:

H. 233	Constitutional Amendment — property tax	p.79	Mr. Campbell
H. 222	Constitutional Amendment — income tax	p.84	Mr. Campbell

SUBSTITUTE LOST

And the substitute was lost.

Yeas 24; Nays 32.

Yeas:

Reps.: Black, Bowling, Box, Brooks, Butler, Gaston, Harvey, Hooper, Kvalheim, McKee, McMillan, Marietta, Martin, Onderdonk, Penry, Perdue, Rains, Rice, Rogers, Sasser, Seibels, White (F), White (G) and White (L).

—24

Nays:

Mr. Speaker, Adams, Blake, Browder, Bugg, Campbell, Clark (D), Clark (J), Clark (W), Coburn, Crow, Dutton, Ford, Fuller, Goodwin, Hall, Holley, Holmes, Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, Mathis, Mikell, Moore, Parker, Reed, Richardson, Smith, Tanner and Venable.

—32

RESOLUTION ADOPTED

The question was then on the adoption of the resolution, H. R. 157, and on motion of Rep. Johnson (Roy), the resolution was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 233. (With Substitute): To propose a constitutional amendment amending Article XI, Section 214, Constitution of Alabama of 1901, providing for the levy by the State, in addition to all other taxes presently levied, of a 6 mill tax on property, and providing for certain exemptions therefrom.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To propose a constitutional amendment amending Article XI, Section 214, Constitution of Alabama of 1901, providing for the levy by the State, in addition to all other taxes presently levied, of a 6 mill tax on property, and providing for certain exemptions therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. Proposed Constitutional Amendment. The following amendment to the Constitution of Alabama of 1901 is proposed:

CONSTITUTIONAL AMENDMENT

Section 214 of the Constitution of Alabama of 1901 is amended to read as follows:

"Section 214. There shall be levied, on and after October 1, 1984, in addition to all other taxes levied by the Legislature or other taxing authorities in the State, a special property tax at the rate of sixty one-hundredths of one per centum on the assessed value of the taxable property within this State; provided, however, that the Legislature shall provide, in addition to any other exemptions that may be provided by law, for the exemption from said special tax of (a) homesteads to the extent of \$5,000 in assessed value, and (b) agricultural and forest property owned by natural persons to the extent of not exceeding \$50,000 in aggregate assessed value of such property owned by each such natural person, taking into account all agricultural and forest property situated in the State and owned by such natural person, and (c) real property included in Class II pursuant to subsection (a) of Section 217 of this Constitution owned by natural persons to the extent of not exceeding \$20,000 in aggregate assessed value of such property owned by each such natural person, taking into account all such Class II real property situated in the State and owned by such natural person. The annual proceeds of said special property tax, after payment of the costs of collection thereof, shall be used as follows: $\frac{2}{3}$ thereof shall be paid into the General Fund of the State; and $\frac{1}{3}$ thereof shall be allocated among the 67 counties of the State on the basis of the ratio of the revenues from said special property tax derived by the State from each such county to the total revenues from said property tax derived by the State from all 67 counties of the State, one-half of said $\frac{1}{3}$ to be used by the counties for public educational purposes only and one-half of said $\frac{1}{3}$ to be deposited into the 67 counties' general funds

for use as the respective governing bodies of the said counties shall determine. Nothing in this Section shall be deemed to relieve the special property tax herein levied from the operation of, or to supersede or to repeal the provisions of, subsection (i) of Section 217 of this Constitution. The Legislature shall not have the power to levy in any one year, in addition to the special property tax herein levied, a greater rate of taxation than sixty-five one-hundredths of one per centum on the assessed value of the taxable property within this State."

Section 2. Election Ordered; Date of Election. An election upon the proposed amendment is ordered to be held at the first statewide general election after the expiration of three (3) months from the final adjournment of the session of the Legislature at which this bill is enacted. The election shall be held in accordance with the provisions of Section 284, as amended, and Section 285 of the Constitution of Alabama of 1901, and Title 17, Chapter 17, Code of Alabama 1975.

Section 3. Notice of Election. Notice of the election on the proposed amendment shall be given by proclamation of the Governor, published in a newspaper in each county in the state once a week for four successive weeks next preceding the day appointed in Section 2 for the election, and in any county in which there may be no newspaper published, the notice shall be posted at each courthouse therein.

And the substitute was adopted.

Yeas 43; Nays 3.

Yeas:

Mr. Speaker, Adams, Blake, Bowling, Brakefield, Browder, Bugg, Burke, Buskey (James), Campbell, Clark (D), Clark (J), Clark (W), Crow, Faulk, Gaston, Goodwin, Grimsley, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, Mathis, Melton, Mikell, Mitchell, Moore, Onderdonk, Parker, Preuitt, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, White (F) and White (L).

—43

Nays: Reps.: Box, Brooks, and White (G).

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Campbell offered the following amendment to the bill, H. 233 as amended.

Amend H. B. 233, as substituted, at page 1, line 10 by deleting after the words "proceeds of" the number "4" and substituting therefor the number "2"

and further as page 2, line 11 by adding after the word "fund" the following:

" , 2 mills of which would be credited to the State's public school fund"

and further at page 2, line 18, by deleting the figure "\$5,000" and substituting therefor the figure "\$4,000"

and further at page 1, line 21, by deleting the figure "\$20,000" and substituting therefor the figure "\$40,000"

and further at page 2, line 16 by deleting after the word "of" the following:

"\$5,000"

and substituting therefor the following:

"\$4,000"

and further at page 2, line 24 by deleting after the word "exceeding" the following:

"\$20,000"

and substituting therefor the following:

"\$40,000"

and further at page 2, line 29 by deleting after the word "follows" the following:

" $\frac{2}{3}$ "

and substituting therefor the following:

" $\frac{1}{3}$ "

and further at page 2, line 30 by adding after the word "State;" the following:

" $\frac{1}{3}$ thereof shall be paid into the Public School Fund of the State;"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Penry, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Starr, Tanner, Thomas, Venable, Warren, White (F), White (G) and White (L).

—66

AMENDMENT OFFERED

Rep. Adams offered the following amendment to the bill, H. 233 as amended:

On page 2, line 21, after the word "person," strike the comma and insert a period mark and insert the following underlined language:

Provided, however, that the exemptions provided herein or any other exemptions provided by law shall not operate in such a manner as to exempt any natural person owning property situated in this state from the payment

of at least \$25.00 of taxes on any parcel or tract of property owned by such person; except, for person and property exempt from ad valorem taxation as prescribed in Section 40-9-21 of the Code of Alabama 1975.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 3.

Yeas:

Mr. Speaker, Adams, Bachus, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Goodwin, Grimsley, Grouby, Hammett, Harvey, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Penry, Perdue, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turner, Venable, Warren, White (F), White (G) and White (L).

—70

Nays: Reps.: Holley, Kennedy and Melton.

—3

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 233 as amended:

Amend House Bill 233, on page 3, line 15, by deleting Section 2 in its entirety and insert in lieu thereof the following:

Section 2. Election Ordered; Date of Election. An election upon the proposed amendment is ordered to be held on the same date as one of the regularly schedule primary elections to be held September 4 and September 25, 1984, or the General Election on November 6, 1984. The election shall be held in accordance with the provisions of Section 284, as amended, and Section 285 of the Constitution of Alabama of 1901, and Title 17, Chapter 17, Code of Alabama 1975.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Cosby, Crow, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grimsely, Grouby, Hammett, Harvey, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Moore, Nicholson, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G) and White (L).

—81

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 233 as amended:

Amend H. B. 233, page 3, line 9 after the word "State" by adding a new Section 2 and renumbering the subsequent sections:

Section 2. All residential dwellings shall be considered Class III property.

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Turner to the bill, H. 233 as amended, was tabled.

Yeas 37; Nays 36.

Yeas:

Mr. Speaker, Albright, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Bugg, Campbell, Carothers, Carter, Clark (J), Coburn, Crow, Faulk, Ford, Fuller, Goodwin, Harvey, Holley, Junkins, Lauderdale, Lindsey, Marietta, Martin, Mathis, Mikell, Mitchell, Parker, Pratt, Reed, Richardson, Sasser, Starkey, Tanner and White (L).

—37

Nays:

Reps.: Adams, Bachus, Beers, Biddle, Black, Brooks, Clark (D), Cosby, Davis, Flowers, Gaston, Gray, Grouby, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, McKee, McMillan, Melton, Payne, Penry, Perdue, Poole, Preuitt, Rice, Seibels, Smith, Spratt, Turner, Turnham, Warren, White (F) and White (G).

—36

AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, H. 233 as amended:

H. B. 233 is hereby amended as follows:

page 1, line 9, by changing the number "6" to "4",

page 1, line 10, by changing the number "4" to "2",

page 1, line 21, by changing the number "\$40,000" to "\$100,000",

and

page 2, line 11, by changing the number "Sixty" to "Forty",

page 2, line 24, by changing the number "\$40,000" to "\$100,000",

page 2, line 29, by changing the number " $\frac{2}{3}$ " to " $\frac{1}{2}$ ",

page 2, line 30, by changing the number " $\frac{1}{3}$ " to " $\frac{1}{4}$ ",

page 2, line 35, by changing the number " $\frac{1}{3}$ " to " $\frac{1}{4}$ ",

page 2, line 37, by changing the number " $\frac{1}{3}$ " to " $\frac{1}{4}$ ".

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Cosby to the bill, H. 233 as amended, was tabled.

Yeas 46; Nays 19.

Yeas:

Mr. Speaker, Albright, Blake, Boles, Bowling, Browder, Bugg, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Faulk, Ford, Fuller, Goodwin, Grimsley, Hall, Harvey, Holley, Johnson (Roy), Junkins, Lauderdale, Lindsey, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Rains, Reed, Sasser, Smith, Starkey, Starr, Turnham, Venable, White (F) and White (G).

—46

Nays:

Reps.: Black, Bryant, Cosby, Davis, Gaston, Grouby, Hammett, Hooper, Horn, Johnson (R.G.), Laird, McKee, McMillan, Payne, Penry, Perdue, Poole, Rice and Spratt.

—19

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 10. MEMORIALIZING GOVERNOR WALLACE TO REACTIVATE THE THIRD ALABAMA VOLUNTEER CALVARY CORPS AS A UNIT OF ALABAMA'S NATIONAL GUARD.

Also:

H. J. R. 40. REQUESTING THAT THE INTERSTATE COMMERCE COMMISSION HOLD A PUBLIC HEARING ON AB-55 (SUB. NO. 96).

Also:

H. J. R. 42. DESIGNATING HIGHWAYS FOR THE DELIVERY OF TRUCK TRAILERS MANUFACTURED IN COFFEE AND PIKE COUNTIES.

Also:

H. J. R. 70. JUDICIAL SYSTEM OF U.S., U.S. CONGRESS URGED TO STUDY.

Also:

H. J. R. 75. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING OF THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

Also:

H. J. R. 76. COMMENDING MR. N. F. PLUNKETT, JR. NATIONAL TRUCK DRIVER OF THE YEAR.

Also:

H. J. R. 94. COMMENDING MR. AND MRS. CHESTER TURNER OF POLLARD, ALABAMA, ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

H. J. R. 101. RECOGNIZING MARCH 2, 1984, AS CENTRAL HIGH LADY FALCONS DAY.

Also:

H. J. R. 102. COMMENDING COACH NELSON R. HUGHES OF SUMTER COUNTY, LIVINGSTON HIGH SCHOOL.

Also:

H. J. R. 105. NAMING THE COLLINSVILLE NATIONAL GUARD ARMORY, THE "SAMUEL CURTIS JONES ARMORY".

Also:

H. J. R. 109. URGING CONGRESS TO ADOPT SCHOOL PRAYER AMENDMENT.

Also:

H. J. R. 110. COMMENDING MRS. JEANETTE GROSS GUTHRIE OF JASPER, ALABAMA, MOTHER OF THE YEAR 1984.

Also:

H. J. R. 112. COMMENDING MR. AND MRS. LAWRENCE LEVI DELAINE ON THE CELEBRATION OF THEIR 64TH WEDDING ANNIVERSARY.

Also:

H. J. R. 124. COMMENDING MONTGOMERY'S CLOVERDALE JUNIOR HIGH SCHOOL BASKETBALL TEAM, RUNNER-UP FOR THE STATE CHAMPIONSHIP.

Also:

H. J. R. 127. INVITING VICE PRESIDENT GEORGE BUSH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

McDOWELL LEE,
Secretary.

H. 233 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Campbell, the motion offered by Rep. Holmes to postpone further consideration of the bill, H. 233 as amended, to the thirteenth legislative day, was tabled.

Yeas 61; Nays 16.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Blakeney, Boles, Bowling, Box, Browder, Bugg, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Crow, Faulk, Ford, Fuller, Gaston, Goodwin, Grimsley, Hall, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Penry, Rains, Reed, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Turnham, Warren, White (F) and White (L).

—61

Nays:

Reps.: Bryant, Clark (W), Cosby, Escott, Gray, Grayson, Hammett, Holmes, Horn, McNair, Payne, Perdue, Pratt, Rice, Spratt and Turner.

—16

AMENDMENT OFFERED

Rep. Bachus offered the following amendment to the bill, H. 233 as amended:

Amend H. B. 233, Section 1, Page 2, line 18, by (striking) after the word(s) "extent of" the following:

"not exceeding \$50,000"

and inserting in lieu thereof, the following:

"not exceeding \$25,000"

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Bachus to the bill, H. 233 as amended, was tabled.

Yeas 66; Nays 15.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Black, Blake, Blakeney, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Cosby, Crow, Faulk, Fuller, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Rains, Reed, Rice, Richardson, Sasser, Smith, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F) and White (L).

—66

Nays:

Reps.: Bachus, Beers, Boles, Bowling, Brooks, Coburn, Gray, Hettinger, McNair, Perdue, Preuitt, Seibels, Starkey, Trammell and White (G).

—15

AMENDMENT OFFERED

Rep. Turner offered the following amendment #2 to the bill, H. 233 as amended:

Amend H. B. 233, page 3, line 9 after the word "State" by adding a new section 2 and renumbering the subsequent sections:

Section 2. All duplex residential dwellings shall be considered Class III property.

MOTION TO TABLE LOST

The motion offered by Rep. Campbell to table the amendment #2 offered by Rep. Turner to the bill, H. 233 as amended, was lost.

Yeas 39; Nays 43.

Yeas:

Mr. Speaker, Blake, Bowling, Brakefield, Britnell, Browder, Bugg, Burke, Campbell, Carter, Clark (D), Clark (J), Coburn, Crow, Faulk, Ford, Fuller, Goodwin, Grimsley, Hettinger, Johnson (R.G.), Johnson (Roy), Junkins, Lauderdale, Martin, Mathis, Mikell, Mitchell, Moore, Nicholson, Parker, Reed, Richardson, Sasser, Starr, Tanner, Turnham, Venable and White (L).

—39

Nays:

Reps.: Albright, Bachus, Beers, Biddle, Black, Blakeney, Box, Brooks, Bryant, Buskey (James), Clark (W), Cosby, Davis, Gaston, Gray, Grayson, Hammett, Holley, Hooper, Horn, Kennedy, Kvalheim, Laird, McKee, McMillan, Marietta, Onderdonk, Payne, Penry, Perdue, Poole, Preuitt, Rains, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Turner, Warren, White (F) and White (G).

—43

The question was then on the amendment #2 offered by Rep. Turner to the bill, H. 233 as amended.

AMENDMENT INDEFINITELY POSTPONED

On motion of Rep. Holley, the amendment #2 offered by Rep. Turner to the bill, H. 233 as amended, was indefinitely postponed.

Yeas 44; Nays 39.

Yeas:

Mr. Speaker, Albright, Blake, Boles, Bowling, Brakefield, Britnell, Browder, Bugg, Burke, Campbell, Carter, Clark (D), Clark (J), Coburn, Crow, Faulk, Ford, Fuller, Goodwin, Harvey, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Lauderdale, Lindsey, Martin, Mathis, Mitchell, Moore, Nicholson, Parker, Poole, Pratt, Reed, Richardson, Smith, Starkey, Tanner, Trammell, Venable and White (L).

—44

Nays:

Reps.: Bachus, Beers, Biddle, Black, Blakeney, Box, Brooks, Bryant, Buskey (James), Cosby, Davis, Flowers, Gaston, Gray, Grayson, Grouby, Hammett, Hooper, Horn, Kennedy, Kvalheim, Laird, McKee, McMillan, McNair, Onderdonk, Payne, Penry, Perdue, Preuitt, Rains, Rice, Rogers, Seibels, Spratt, Turner, Warren, White (F) and White (G).

—39

And the bill:

H. 233. To propose a constitutional amendment amending Article XI, Section 214, Constitution of Alabama of 1901, providing for the levy by the State, in addition to all other taxes presently levied, of a 6 mill tax on property, and providing for certain exemptions therefrom.

As thus amended, was read a third time at length and lost, lacking a three-fifths vote of all those elected to the House.

Yeas 57; Nays 42.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Dutton, Faulk, Flowers, Ford, Fuller, Goodwin, Grimsley, Hettinger, Holley, Johnson (Roy), Junkins, Lauderdale, Lindsey, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Reed, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Turnham, Venable, White (F) and White (L).

—57

Nays:

Reps.: Bachus, Beers, Black, Box, Brooks, Bryant, Buskey (James), Buskey (John), Campbell, Cosby, Davis, Escott, Gaston, Gray, Grayson, Grouby, Hammett, Harvey, Holmes, Hooper, Horn, Johnson (R.G.), Kennedy, Kvalheim, Laird, McDowell, McKee, McMillan, McNair, Payne, Penry, Perdue, Rains, Rice, Rogers, Seibels, Spratt, Thomas, Trammell, Turner, Warren and White (G).

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MOTION TO RECONSIDER AND TABLE

Having voted on the prevailing side, Rep. Buskey (James), offered the motion to reconsider the vote by which the bill, H. 233 as amended, was lost, and to table his motion to reconsider the vote.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 10. MEMORIALIZING GOVERNOR WALLACE TO REACTIVATE THE THIRD ALABAMA VOLUNTEER CAVALRY CORPS AS A UNIT OF ALABAMA'S NATIONAL GUARD.

Also:

H. J. R. 40. REQUESTING THAT THE INTERSTATE COMMERCE COMMISSION HOLD A PUBLIC HEARING ON AB-55 (SUB. NO. 96).

Also:

H. J. R. 42. DESIGNATING HIGHWAYS FOR THE DELIVERY OF

TRUCK TRAILERS MANUFACTURED IN COFFEE AND PIKE COUNTIES.

Also:

H. J. R. 70. IMPLOING THE PRESIDENT AND CONGRESS TO APPOINT A PANEL TO STUDY THE ENTIRE JUDICIAL SYSTEM OF THE UNITED STATES.

Also:

H. J. R. 75. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING OF THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

Also:

H. J. R. 76. COMMENDING MR. N. F. PLUNKETT, JR., NATIONAL TRUCK DRIVER OF THE YEAR.

Also:

H. J. R. 94. COMMENDING MR. AND MRS. CHESTER TURNER OF POLLARD, ALABAMA ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

H. J. R. 101. RECOGNIZING MARCH 2, 1984, AS CENTRAL HIGH LADY FALCONS DAY.

Also:

H. J. R. 102. COMMENDING COACH NELSON R. HUGHES OF SUMTER COUNTY, LIVINGSTON HIGH SCHOOL.

Also:

H. J. R. 105. NAMING THE COLLINSVILLE NATIONAL GUARD ARMORY, THE "SAMUEL CURTIS JONES ARMORY".

Also:

H. J. R. 109. URGING CONGRESS TO ADOPT SCHOOL PRAYER AMENDMENT.

Also:

H. J. R. 110. COMMENDING MRS. JEANETTE GROSS GUTHRIE OF JASPER, ALABAMA, MOTHER OF THE YEAR 1984.

Also:

H. J. R. 112. COMMENDING MR. AND MRS. LAWRENCE LEVI DELAINE ON THE CELEBRATION OF THEIR 64TH WEDDING ANNIVERSARY.

Also:

H. J. R. 124. COMMENDING MONTGOMERY'S CLOVERDALE JUNIOR HIGH SCHOOL BASKETBALL TEAM, RUNNER-UP FOR THE STATE CHAMPIONSHIP.

Also:

H. J. R. 127. INVITING VICE PRESIDENT GEORGE BUSH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:35 A.M. on March 22, 1984.

H. 177

H. 330

H. 331

H. J. R. 77

H. J. R. 91

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 155, heretofore adopted, the House adjourned until 12:00 o'clock noon, Tuesday, March 27, 1984.

THIRTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 27, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Father Richard Patulski, Director, Resurrection Center, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

MOTION TO SUSPEND RULES AND ADOPT REPORT OF
STANDING COMMITTEE ON RULES

Rep. Clark (J) offered the motion to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the twelfth legislative day and to adopt the report of the Standing Committee on Rules.

DIVISION OF THE QUESTION

Rep. Harper called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Clark (J) to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the twelfth legislative day, and the motion was lost, lacking a four-fifths vote.

Yeas 32; Nays 29.

Yeas:

Mr. Speaker, Bachus, Blake, Britnell, Browder, Bugg, Butler, Carter, Clark (D), Clark (J), Coleman, Ford, Fuller, Goodwin, Grouby, Holley, Holmes, Johnson (Roy), Lauderdale, Mitchell, Moore, Parker, Payne, Richardson, Spratt, Starkey, Trammell, Venable, Warren, White (F), White (G) and Zoghby.

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Nays:

Reps.: Black, Boles, Brooks, Burke, Buskey (James), Buskey (John), Cosby, Davis, Faulk, Flowers, Gaston, Harper, Hettinger, Hooper, Horn, Kvalheim,

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McDowell, McKee, McMillan, McNair, Melton, Mikell, Newman, Penry, Poole, Preuitt, Rains, Rogers and Sasser.

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READING OF JOURNAL

The Speaker directed the Clerk to read the Journal of the House for the twelfth legislative day, and the reading commenced.

The reading at length of the Journal of the House of Representatives for the twelfth legislative day having been completed, the Journal was approved as read.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 39. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating and Air Conditioning Contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 91. To amend Section 8-8-5 of the Code of Alabama 1975, which relates to interest rates, so as to remove the Sunset or termination date on the provisions of said section as it applies to loans of \$25,000.00 or less.

Also:

S. J. R. 44. CREATING SELECT COMMITTEE TO CONSIDER HOSTING SOUTHERN LEGISLATIVE CONFERENCE ON CHILDREN AND YOUTH IN ALABAMA.

Also:

S. J. R. 99. COMMENDING THE ALABAMA ASSOCIATION OF COLLEGE TEACHERS OF MATHEMATICS AND THE ALABAMA COUNCIL OF TEACHERS OF MATHEMATICS.

Also:

S. J. R. 100. MOURNING THE DEATH OF MR. EDWARD A. DANNELLY OF ANDALUSIA, ALABAMA.

Also:

S. J. R. 101. NAMING THE HEALTH AND ARTS BUILDING AT ALEXANDER CITY STATE JUNIOR COLLEGE, THE "W. BYRON CAUSEY HEALTH EDUCATION AND ARTS COMPLEX."

Also:

S. J. R. 102. COMMENDING CLAIRE NELL FULLER.

Also:

S. J. R. 103. EXPRESSING JUDGEMENT THAT EXPENDITURES SHOULD BE MADE BY POSTSECONDARY SCHOOLS IN COMPROMISE OF CLAIMS RESULTING FROM FAILURE OF HOSPITAL-MEDICAL INSURANCE PROGRAM.

Also:

S. J. R. 104. MOURNING THE DEATH OF MR. JAMES DONALD BULGER, PROMINENT ALABAMA EDUCATOR.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

NOTICE IN WRITING

Rep. Campbell filed the following Notice in Writing:

Having voted on the prevailing side by which H. 233 failed to receive a 3/5 vote, I now move to reconsider said vote.

MOTION TO TABLE LOST

The question was then on the motion offered by Rep. Buskey (James), on the twelfth legislative day, to reconsider the vote by which the bill, H. 233 as amended, was lost, and to table his motion to reconsider, and the motion to amend, was lost, viva voce.

Yeas 22; Nays 77.

Yeas:

Reps.: Box, Brooks, Buskey (James), Cosby, Gaston, Gray, Grouby, Hammett, Harper, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, McNair, Payne, Penry, Preuitt, Rains, Rice and Turner.

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Nays:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Faulk, Ford, Fuller, Goodwin, Grayson, Grimsley, Hall, Harvey, Hettinger, Holley, Holmes, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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The question was then on the motion offered by Rep. Buskey (James) to reconsider the vote by which the bill, H. 233 as amended, was lost, and the motion to reconsider was adopted.

Yeas 72; Nays 22.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Blake, Blakeney, Boles, Bowling,

Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Faulk, Ford, Fuller, Goodwin, Grimsley, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Venable, White (F), White (G), White (L) and Zoghby.

—72

Nays:

Reps.: Black, Box, Brooks, Buskey (James), Cosby, Gaston, Gray, Grouby, Harper, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, McNair, Payne, Penry, Preuitt, Rains, Rice and Turner.

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And the bill:

H. 233. To propose a constitutional amendment amending Article XI, Section 214, Constitution of Alabama of 1901, providing for the levy by the State, in addition to all other taxes presently levied, of a 6 mill tax on property, and providing for certain exemptions therefrom.

Was again taken up.

SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the bill, H. 233 as amended:

A BILL TO BE ENTITLED AN ACT

To propose a constitutional amendment amending Article XI, Section 214, Constitution of Alabama of 1901, providing for the levy by the State, in addition to all other taxes presently levied, of a 6 mill tax on property, and providing for certain exemptions therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. Proposed Constitutional Amendment. The following amendment to the Constitution of Alabama of 1901 is proposed:

CONSTITUTIONAL AMENDMENT

Section 214 of the Constitution of Alabama of 1901 is amended to read as follows:

"Section 214. There shall be levied, on and after October 1, 1984, in addition to all other taxes levied by the Legislature or other taxing authorities in the State, a special property tax at the rate of sixty one-hundredths of one per centum on the assessed value of the taxable property within this State; provided, however, that the Legislature shall provide, in addition to any other exemptions that may be provided by law, for the exemption from said special tax of (a) homesteads to the extent of \$5,000 in assessed value, and (b) agricultural and forest property owned by natural persons to the extent of not exceeding \$50,000 in aggregate assessed value of such property owned by each such natural person, taking into account all agricultural and

forest property situated in the State and owned by such natural person, and (c) real property included in Class II pursuant to subsection (a) of Section 217 of this Constitution owned by natural persons to the extent of not exceeding \$20,000 in aggregate assessed value of such property owned by each such natural person, taking into account all such Class II real property situated in the State and owned by such natural person. The annual proceeds of said special property tax, after payment of the costs of collection thereof, shall be used as follows: $\frac{2}{3}$ thereof shall be paid into the General Fund of the State; and $\frac{1}{3}$ thereof shall be allocated among the 67 counties of the State on the basis of the ratio of the revenues from said special property tax derived by the State from each such county to the total revenues from said special property tax derived by the State from all 67 counties of the State, one-half of said $\frac{1}{3}$ to be used by the counties for public educational purposes only and one-half of said $\frac{1}{3}$ to be deposited into the 67 counties' general funds for use as the respective governing bodies of the said counties shall determine. Nothing in this Section shall be deemed to relieve the special property tax herein levied from the operation of, or to supersede or to repeal the provisions of, subsection (i) of Section 217 of this Constitution. The Legislature shall not have the power to levy in any one year, in addition to the special property tax herein levied, a greater rate of taxation than sixty-five one-hundredths of one per centum on the assessed value of the taxable property within this State."

Section 2. Election Ordered; Date of Election. An election upon the proposed amendment is ordered to be held at the first statewide general election after the expiration of three (3) months from the final adjournment of the session of the Legislature at which this bill is enacted. The election shall be held in accordance with the provisions of Section 284, as amended, and Section 285 of the Constitution of Alabama of 1901, and Title 17, Chapter 17, Code of Alabama 1975.

Section 3. Notice of Election. Notice of the election on the proposed amendment shall be given by proclamation of the Governor, published in a newspaper in each county in the state once a week for four successive weeks next preceding the day appointed in Section 2 for the election, and in any county in which there may be no newspaper published, the notice shall be posted at each courthouse therein.

Section 4. The qualified electors of the State shall vote on removal of all tax exemptions, including those on ad valorem and sales taxes with the exception of farm exemptions and exemptions for unfinished products of industry within the State; and a one percent (1%) reduction of the State sales tax. Farmers will be provided with a sales tax identification number and shall receive a rebate on taxes paid at the end of each tax year after filing the proper forms.

SUBSTITUTE TABLED

On motion of Rep. Campbell the substitute offered by Rep. Turner to the bill, H. 233 as amended, was tabled.

Yeas 72; Nays 22.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Goodwin, Grimsley, Hall, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale,

Lindsey, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F) and White (L).

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Nays:

Reps.: Biddle, Boles, Box, Britnell, Buskey (James), Clark (W), Cosby, Gaston, Gray, Grayson, Harper, Hooper, Kennedy, Kvalheim, McMillan, McNair, Payne, Rains, Rice, Turner, White (G) and Zoghby.

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NOTICE IN WRITING

Rep. McKee filed the following Notice in Writing:

Notice is hereby filed in writing with the Clerk of the House that on the next legislative day a resolution will be offered to amend the Rules of the House of Representatives of Alabama as follows:

Where the Rules of the House as last adopted are indefinite to cover parliamentary procedure, Mason's Manual of Legislative Procedure by Paul Mason shall prevail.

H. 233 RESUMED SUBSTITUTE OFFERED

Rep. Turner offered the following substitute #2 to the bill, H. 23 as amended:

A BILL TO BE ENTITLED AN ACT

To propose a constitutional amendment amending Article XI, Section 214, Constitution of Alabama of 1901, providing for the levy by the State, in addition to all other taxes presently levied, of a 6 mill tax on property, and providing for certain exemptions therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. Proposed Constitutional Amendment. The following amendment to the Constitution of Alabama of 1901 is proposed:

CONSTITUTIONAL AMENDMENT

Section 214 of the Constitution of Alabama of 1901 is amended to read as follows:

"Section 214. There shall be levied, on and after October 1, 1984, in addition to all other taxes levied by the Legislature or other taxing authorities in the State, a special property tax at the rate of sixty one-hundredths of one per centum on the assessed value of the taxable property within this State; provided, however, that the Legislature shall provide, in addition to any other exemptions that may be provided by law, for the exemption from said special tax of (a) homesteads to the extent of \$5,000 in assessed value, and (b) agricultural and forest property owned by natural persons to the extent of not exceeding \$50,000 in aggregate assessed value of such property owned by each such natural person, taking into account all agricultural and

forest property situated in the State and owned by such natural person, and (c) real property included in Class II pursuant to subsection (a) of Section 217 of this Constitution owned by natural persons to the extent of not exceeding \$20,000 in aggregate assessed value of such property owned by each such natural person, taking into account all such Class II real property situated in the State and owned by such natural person. The annual proceeds of said special property tax, after payment of the costs of collection thereof, shall be used as follows: $\frac{2}{3}$ thereof shall be paid into the General Fund of the State; and $\frac{1}{3}$ thereof shall be allocated among the 67 counties of the State on the basis of the ratio of the revenues from said special property tax derived by the State from each such county to the total revenues from said special property tax derived by the State from all 67 counties of the State, one-half of said $\frac{1}{3}$ to be used by the counties for public educational purposes only and one-half of said $\frac{1}{3}$ to be deposited into the 67 counties' general funds for use as the respective governing bodies of the said counties shall determine. Nothing in this Section shall be deemed to relieve the special property tax herein levied from the operation of, or to supersede or to repeal the provisions of, subsection (i) of Section 217 of this Constitution. The Legislature shall not have the power to levy in any one year, in addition to the special property tax herein levied, a greater rate of taxation than sixty-five one-hundredths of one per centum on the assessed value of the taxable property within this State."

Section 2. Election Ordered; Date of Election. An election upon the proposed amendment is ordered to be held at the first statewide general election after the expiration of three (3) months from the final adjournment of the session of the Legislature at which this bill is enacted. The election shall be held in accordance with the provisions of Section 284, as amended, and Section 285 of the Constitution of Alabama of 1901, and Title 17, Chapter 17, Code of Alabama 1975.

Section 3. Notice of Election. Notice of the election on the proposed amendment shall be given by proclamation of the Governor, published in a newspaper in each county in the state once a week for four successive weeks next preceding the day appointed in Section 2 for the election, and in any county in which there may be no newspaper published, the notice shall be posted at each courthouse therein.

Section 4. Any member of the House of Representatives or Senate who votes in favor of H. B. 233 will be subject to a recall vote by the electors of the district from which he or she is elected within sixty days after H. B. 233 becomes law. This will be accomplished after a petition is circulated and signed by 51 percent (51%) of the qualified electors within said district within 30 days after the said bill becomes law.

SUBSTITUTE TABLED

On motion of Rep. Campbell, the substitute #2 offered by Rep. Turner to the bill, H. 233 amended, was tabled.

Yeas 58; Nays 25.

Yeas:

Mr. Speaker, Blake, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Ford, Fuller, Goodwin, Grimsley, Grouby, Harvey, Holley, Holmes, Johnson (Roy), Junkins, Lauderdale, Lindsey, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Pratt, Preuitt, Reed, Richardson, Sasser, Smith,

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Spratt, Starkey, Starr, Tanner, Trammell, Turnham, Venable, Warren, White (F) and White (L).

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Nays:

Reps.: Bachus, Beers, Biddle, Black, Brooks, Cosby, Flowers, Gaston, Gray, Hammett, Harper, Hooper, Kvalheim, Laird, McKee, McMillan, McNair, Payne, Penry, Rains, Rice, Seibels, Turner, White (G) and Zoghby.

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AMENDMENT OFFERED

Rep. Bachus offered the following amendment #2 to the bill, H. 233 as amended:

Amend H. B. 233 as Substituted and Amended on page 1, line 20, by striking the figure \$50,000 and substituting therefore the figure \$40,000

Further amend on page 2, line 18, by deleting after the word "exceeding" the following \$50,000 and substituting therefore the following: \$40,000

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment #2 offered by Rep. Bachus to the bill, H. 233 as amended, was tabled.

Yeas 67; Nays 13.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Blakeney, Bowling, Brakefield, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Faulk, Ford, Fuller, Gaston, Gray, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Reed, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F) and White (L).

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Nays:

Reps.: Bachus, Beers, Boles, Box, Brooks, Cosby, Hettinger, Laird, McNair, Payne, Rice, White (G) and Zoghby.

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SUBSTITUTE OFFERED

Rep. Hooper offered the following substitute to the bill, H. 233 as amended:

A BILL
TO BE ENTITLED
AN ACT

To propose a constitutional amendment amending further Article XI, Section 217, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 325, relating to ad valorem property taxes levied by the state and all counties, municipalities and other local taxing authorities.

Be It Enacted by the Legislature of Alabama:

Section 1. Proposed Constitutional Amendment. The following amendment to the Constitution of Alabama of 1901 is hereby proposed:

"Section 217. (a) On and after October 1, 1978, All taxable property within this state, not exempt by law, shall be divided into the following classes for the purposes of ad valorem taxation:

Class I. All property of utilities used in the business of such utilities;

Class II. All property not otherwise classified;

Class III. All agricultural, forest and single-family owner-occupied residential property; and historic buildings and sites.

Class IV. All private passenger automobiles and motor trucks of the type commonly known as "pickups" or pickup trucks" owned and operated by an individual for personal or private use and not for hire, rent or compensation.

(b) With respect to ad valorem taxes levied by the state, all taxable property shall be forever taxed at the same rate; On and after October 1, 1978, and such property shall be assessed for ad valorem tax purposes according to the classes thereof as herein defined at the following ratios of assessed value to the fair and reasonable market value (except as otherwise provided in subsection (j) hereof) of such property:

Class I. 30 per centum

Class II. 25 20 per centum

Class III. 15 10 per centum

Class IV. 15 per centum

(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority authorities, all taxable property shall be forever taxed at the same rate; On and after October 1, 1978, and such property shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph subsection (a) herein hereof and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in paragraph subsection (b) herein hereof, except as otherwise provided in subsection (j) hereof and this subsection (such ratios being herein called "assessment ratios"). provided, however, that in connection with the ad valorem taxes that a county, municipality or other taxing authority is authorized or required to levy and collect pursuant to any provision of this Constitution, for the ad valorem tax year beginning October 1, 1978, any such taxing authority may, subject to criteria established by act of the legislature, by resolution of the governing body of that taxing authority, at any time not later than September 30, 1979, increase or decrease the assessment ratio applicable to any class of taxable property, such increase or decrease to be effective for ad valorem tax years beginning on and after October 1, 1978. If the receipts from any ad valorem tax with respect to which any assessment ratio has been so adjusted by any taxing authority during the ad valorem tax year beginning October 1, 1978, exceed by more than 5 percent, or are less than 95 percent of the receipts from such ad valorem tax for the ad valorem tax year beginning October 1, 1977, then at any time not later than September 30, 1980 for ad valorem tax years beginning on and after October 1, 1979, the taxing authority may, subject to criteria established by act of the legislature, by resolution of the governing body of that taxing authority, adjust any assessment ratio with respect to such ad valorem tax.

On and after October 1, 1979, the governing body of any county, municipality or other taxing authority legislature may, subject to criteria established by act of the legislature, at any time vary increase or decrease the assessment ratio of assessed value to the fair and reasonable market value as applicable to any class of taxable property; as defined in paragraph (b) herein, and provided, that any proposed adjustment to an assessment ratio to be made pursuant to this sentence, whether an increase or a decrease, shall have been (1) proposed by the governing body of the taxing authority after a public hearing on such proposal, (2) thereafter approved by an act of the legislature, and (3) subsequently approved by a majority vote of the qualified electors residing in the taxing authority who vote on the proposal at a special election called and held in accordance with the law governing special elections. No decrease in an assessment ratio pursuant to this subsection (c) shall be permitted with respect to either of the ad valorem tax years beginning October 1, 1978, and October 1, 1979, if such county, municipality or other taxing authority has increased any millage rate under subsection (e) of this section with respect to such ad valorem tax year. Further, that the legislature shall enact general laws applicable to all counties, municipalities and other taxing authorities regulating and establishing criteria for the exercise of the powers granted such taxing authorities to adjust assessment ratios as hereinabove provided. may fix a uniform ratio of assessment of all property within a county defined in paragraph (a) herein as Class II and III and may fix a different ratio of assessment for property defined in paragraph (a) as Class I. Such assessment ratios as herein authorized may vary among taxing authorities counties so long as each such assessment ratio is uniform within a taxing authority county. Any decrease in any assessment ratio pursuant to this subsection shall not jeopardize the payment of any bonded indebtedness secured by any tax levied by the taxing authority decreasing the assessment ratio. Any action authorized by this subsection to be taken by a taxing authority, or the governing body thereof, shall, other than in the case of a municipality, be taken by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority.

(d) With respect to ad valorem taxes levied by the state or by any county, municipality or other taxing authority, No class of taxable property shall have an assessment ratio of assessed value to fair and reasonable market value of less than 15 5 per centum nor more than 35 per centum.

(e) (d) A county, municipality, or other taxing authority may decrease any ad valorem tax rate at any time, provided such decrease shall not jeopardize the payment of any bonded indebtedness secured by such tax. For the ad valorem tax year beginning October 1, 1978, When the tax assessor of each county shall complete the assembly of the assessment book for his county for the that ad valorem tax year immediately following the adoption of this amendment and the computation of ad valorem taxes that will be paid upon such assessment, he shall certify to each authority within his county that levies an ad valorem tax the amount of ad valorem tax that will be produced by every levy in that ad valorem tax year but excluding for this purpose any assessment of new taxable property not previously subject to taxation (except "escaped" property as defined by law) added to the tax rolls of such county for the ad valorem tax year in which such certification is made that was not included on the tax rolls for the next preceding ad valorem tax year. If it shall appear that the estimated ad valorem tax receipts from any levy so estimated shall be less than the receipts from the same levy during the next preceding ad valorem tax year, then the levying authority shall increase each tax rate by such millage as Any county, munic-

ipality or other taxing authority, at any time not later than September 30, 1979, may increase the rate at which any ad valorem tax is levied by or with respect to that taxing authority above the limit otherwise provided in this Constitution, provided that the amount of the above-described certification of anticipated tax receipts with respect to such tax is less than 120% of the actual receipts from such tax for the ad valorem tax year beginning October 1, 1977, such increase to be effective for ad valorem tax years beginning on and after October 1, 1978; provided, that any such millage increase shall not exceed in mills the total of (i) the number of additional mills that is necessary, when added to the millage rate imposed with respect to such tax on each dollar of taxable property situated in the taxing authority for the ad valorem tax year beginning October 1, 1977, to produce revenue that is not less than and that is substantially equal to that received by the taxing authority with respect to such tax, during such immediately preceding ad valorem tax year, plus (ii) a number of additional mills equal to 20% of the total mills imposed by that taxing authority with respect to such tax on each dollar of taxable property situated in the taxing authority for the ad valorem tax year beginning October 1, 1977. If, for the ad valorem tax year beginning October 1, 1978, the receipts from any ad valorem tax with respect to which any millage rate has been increased pursuant to the immediately preceding sentence are less than 95 percent of the receipts from such ad valorem tax for the ad valorem tax year beginning October 1, 1977, then at any time not later than September 30, 1980, the taxing authority may increase any millage rate with respect to such ad valorem tax in the manner provided in the immediately preceding sentence, such increase to be effective for ad valorem tax years beginning on and after October 1, 1979. It is further provided that any and all millage adjustments shall be made in increments of not less than one tenth ($\frac{1}{10}$) mill. The adjustment herein required shall be made only one time and shall be made in the ad valorem tax year immediately following the adoption of this amendment.

(f) (e) On and after October 1, 1979, Any county, municipality, or other taxing authority may at any time increase the rate at which any ad valorem tax taxes are is levied above the limit now otherwise provided in the this Constitution; provided that the proposed increase to be made pursuant to this subsection shall have been (1) proposed by the governing body of the taxing authority having power to levy the tax after a public hearing on such proposal, (2) thereafter approved by an act of the legislature, and (3) subsequently approved by a majority vote of the qualified electors of residing in the taxing authority area in which the tax is to be levied or increased who vote on the proposal at a special election called and held in accordance with the law governing special elections. Any adjustments or other actions authorized to be made or taken pursuant to this subsection and subsection (e) hereof shall be made or taken by resolution of the governing body of such taxing authority, or if there is no such governing body and in the case of a taxing authority other than a municipality, by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority. The provisions of subsections (c), (e) and (f) of this section shall not apply to ad valorem taxes levied by the State.

(g) (f) -The legislature is authorized to enact legislation to implement the provisions of this amendment, section and may provide for exemptions from taxation; provided, however, that, unless otherwise expressly provided, no amendment to this section shall be construed to repeal any statutory exemption existing prior to the adoption of this amendment shall not be repealed, except by subsequent legislative act, and shall remain in full force

and effect on the effective date of any such amendment hereto.

(h) (g) Wherever any constitutional provision or statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money, or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes, such provision shall mean as assessed for county or municipal taxes, as the case may be.

(i) (h) Except as otherwise provided in Any provision of the this Constitution, including any amendment thereto whenever adopted with respect to taxable property located in the City of Mountain Brook, the City of Vestavia Hills, or the City of Huntsville, of Alabama to the contrary notwithstanding, the amount of ad valorem taxes payable to the state and to all counties, municipalities and other taxing authorities with respect to any item of taxable property described as Class I property shall never exceed 2% 1-½% of the fair and reasonable market value of such taxable the property in any one ad valorem tax taxable year, such amount with respect to any item of Class II property shall never exceed 1-½% of the fair and reasonable market value of such taxable property in any one ad valorem tax year, such amount with respect to any item of Class IV property shall never exceed 1-¼% of the fair and reasonable market value of such taxable property in any one ad valorem tax year, and such amount with respect to any item of Class III property shall never exceed 1% of the fair and reasonable market value of such taxable property in any one ad valorem tax year. Whenever the total amount of ad valorem property taxes otherwise payable by any taxpayer with respect to any item of taxable property shall exceed in any one ad valorem tax year the maximum amount of such taxes permitted by this section, such amount of taxes shall be reduced by subtracting that amount of tax due that is in excess of the amount of tax otherwise permissible under the Constitution. In connection with the taxation of any item of taxable property, the amount of tax to be subtracted with respect to each authority levying and collecting any ad valorem property tax shall be in the same proportion to the total amount of tax to be subtracted that the total number of mills on each dollar of taxable property situated in the taxing authority levied by such taxing authority bears to the total number of mills on each dollar of taxable property situated in the taxing authority levied by all taxing authorities with respect to such item of taxable property. Before sending to any taxpayer any notice relating to the collection of ad valorem taxes, the tax collector in each county shall determine whether any portion of the amount of ad valorem property tax otherwise due with respect to any item of taxable property shall be subtracted pursuant to the provisions of this subsection and shall apportion the amount to be subtracted in accordance with the provisions of this subsection.

(i) Notwithstanding any other provision of this section, on and after October 1, 1978, taxable property defined in subsection (a) hereof as Class III property shall, upon application by the owner of such property, be assessed at the ratio of assessed value to the current use value of such taxable property and not the fair and reasonable market value of such property, (provided that the legislature shall have enacted) laws uniformly applicable to the state and all counties, municipalities and other taxing authorities establishing criteria and procedures for the determination of the current use value of any eligible taxable property and procedures for qualifying such property for assessment at its current use value. The legislature may also enact laws uniformly applicable to the state and all counties, municipalities

and other taxing authorities providing for the ad valorem taxation of any taxable property ceasing to qualify for current use valuation.

(k) (i) The following property shall be exempt from all ad valorem taxation: the real and personal property of the state, counties and municipalities and property devoted exclusively to religious, educational or charitable purposes, household and kitchen furniture, all farm tractors, all farming implements when used exclusively in connection with agricultural property and all stocks of goods, wares and merchandise.

(l) Notwithstanding the other provisions of this section, with respect to the costs of reappraisal incident to the state-wide reappraisal of property heretofore authorized by the legislature, each county, municipality or other taxing authority, for ad valorem tax years beginning on and after October 1, 1978, may impose and levy an additional ad valorem tax of not more than two mills on all taxable property located in the taxing authority in order to reimburse itself for its payment of such costs of reappraisal or to pay any unpaid costs or its pro rata share of such unpaid costs of reappraisal. The taxes provided for in this subsection, or any pro rata part thereof, shall terminate at the end of the ad valorem tax year in which sufficient funds are received from the taxes to pay in full the said reappraisal costs and any receipts from such taxes that are received during the ad valorem tax year of their termination that are not needed for the purposes specified herein may be used by the taxing authority levying the tax for general purposes of the taxing authority. The taxes authorized in this subsection shall not exceed in the aggregate, with respect to any item of taxable property located in the taxing authority, a total of two mills for all such taxes levied by all taxing authorities in a county and not two mills for each taxing authority in a county. If more than one such taxing authority in a county has paid or owes all or a portion of its reappraisal costs, such two mills shall be prorated among such taxing authorities in the county as they may agree, or if they cannot agree, in the percentage which each such taxing authority's costs of reappraisal bear to the total costs of reappraisal of all taxing authorities in the county. The provisions of this subsection shall apply only to the costs incurred by a taxing authority incident to the state-wide reappraisal of property heretofore authorized by the legislature, the amount of which costs shall be certified by the Department of Revenue, and shall not be applicable to any future reappraisals that may be required by law.

(m) If any portion of this section should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining portions of this section, which shall continue effective."

Section 2. Election Ordered; Date of Election. An election upon the proposed amendment is ordered to be held on the day of the general election in the year 1984. The election shall be held in accordance with the provisions of Section 284, as amended, and Section 285 of the Constitution of Alabama of 1901, and Title 17, Chapter 17, Code of Alabama 1975.

Section 3. Notice of Election. Notice of the election on the proposed amendment shall be given by proclamation of the Governor, published in a newspaper in each county in the state once a week for four successive weeks next preceding the day appointed herein for the election, and in any county in which there may be no newspaper published, the notice shall be posted at each courthouse therein.

SUBSTITUTE TABLED

On motion of Rep. Campbell, the substitute offered by Rep. Hooper to the bill, H. 233 as amended, was tabled.

Yeas 59; Nays 16.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carter, Clark (D), Clark (J), Coburn, Crow, Dutton, Ford, Fuller, Goodwin, Grimsley, Hall, Harvey, Hettinger, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Richardson, Sasser, Smith, Starkey, Tanner, Thomas, Trammell, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—59

Nays:

Reps.: Box, Buskey (James), Butler, Cosby, Flowers, Gaston, Hooper, Kvalheim, McKee, McMillan, Payne, Penry, Rains, Rice, Seibels and Turner.

—16

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Harper to indefinitely postpone the bill, H. 233 as amended, was lost.

Yeas 16; Nays 68.

Yeas:

Reps.: Box, Buskey (James), Flowers, Gaston, Harper, Hooper, Kvalheim, Laird, McKee, McMillan, Payne, Penry, Preuitt, Rice, Seibels and Turner.

—16

Nays:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Ford, Fuller, Goodwin, Grimsley, Hall, Harvey, Hettinger, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Lauderdale, Lindsey, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—68

AMENDMENT OFFERED

Rep. Bachus offered the following amend #3 to the bill, H. 233 as amended:

Amend H. B. 233 as Substituted and Amended on page 2, line 29 by striking after the words "as follows" the following: $\frac{3}{4}$ and substituting therefore the following: $\frac{1}{2}$

Further amend on page 2, line 30, by deleting after the word "and" the number $\frac{1}{8}$ and substituting the number $\frac{1}{2}$

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment #3 offered by Rep. Bachus to the bill, H. 233 as amended, was tabled.

Yeas 55; Nays 23.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Crow, Dutton, Faulk, Flowers, Ford, Fuller, Goodwin, Grimsley, Hall, Harvey, Hettinger, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Lauderdale, Lindsey, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Pratt, Preuitt, Richardson, Sasser, Smith, Starkey, Turnham, Warren, White (F), White (L) and Zoghby.

—55

Nays:

Reps.: Bachus, Beers, Biddle, Boles, Box, Brooks, Butler, Cosby, Gaston, Harper, Hooper, Kvalheim, Laird, McMillan, McNair, Payne, Penry, Rains, Rice, Seibels, Trammell, Turner, and White (G).

—23

AMENDMENT OFFERED

Rep. Onderdonk offered the following amendment to the bill, H. 233 as amended:

Amend House Bill 233, as Substituted and Amended, on Page 3, line 30, by adding a new Section 4, to read as follows:

Section 4. The provisions of this Act are not severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall result in this Act being declared unconstitutional in whole.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 3.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blakeney, Bowling, Brooks, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Cosby, Dutton, Faulk, Ford, Fuller, Gaston, Gray, Grimsley, Hall, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Newman, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Seibels, Smith, Starkey, Starr, Trammell, Turnham, Venable, Warren, White (G) and Zoghby.

—63

Nays:

Reps.: Goodwin, Richardson and Sasser.

—3

And the bill, H. 233 as amended, was again read a third time at length and passed and ordered engrossed.

Yeas 77; Nays 25.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Grayson, Grimsley, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuit, Reed, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—77

Nays:

Reps.: Beers, Box, Brooks, Buskey (James), Cosby, Flowers, Gaston, Gray, Grouby, Hammett, Harper, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, McNair, Payne, Penry, Rains, Rice, Seibels, Starr and Turner.

—25

SPECIAL ORDER RESUMED

And the bill:

H. 222. This bill proposes a constitutional amendment relating to state income taxes. It increases the maximum rate of state income taxes from five percent to six percent.

Was taken up.

AMENDMENT OFFERED

Rep. Campbell offered the following amendment to the bill, H. 222:

Delete the period at the end of line 12, page 1, and add the following language:

“and preserves the deductibility of federal income taxes as provided in existing law.”

Also, on line 23, page 1, following the number #6%”, add the following sentence:

“This amendment shall in no way affect the deductibility of federal income taxes as provided in existing law.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney,

Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Campbell, Carothers, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grimsley, Hall, Hammett, Harvey, Hooper, Horn, Johnson (R.G.), Junkins, Lauderdale, Lindsey, McKee, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Poole, Pratt, Preuitt, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—70

SUBSTITUTE OFFERED

Reps. Hettinger and Bachus offered the following substitute to the bill, H. 222, as amended.

A BILL TO BE ENTITLED AN ACT

Proposing an amendment to the Constitution of Alabama 1901, so as to set the individual income tax rate at 1.95% of gross income, less exemptions and to set the ratio between individual income tax rate and corporate income tax rate at .325.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

The individual income tax rate shall be set at 1.95% of gross income, less exemptions. The ratio between individual income tax rate and corporate income tax rate shall be .325 when determined by the ratio of individual income tax rate over corporate income tax rate. Amendment No. 225 of the Constitution of Alabama of 1901, proposed by Act No. 217, S. 100, 1965 Regular Session of the Alabama Legislature is hereby repealed.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

SUBSTITUTE TABLED

On motion of Rep. Campbell, the substitute offered by Reps. Hettinger and Bachus to the bill, H. 222 as amended, was tabled.

Yeas 41; Nays 39.

Yeas:

Mr. Speaker, Blake, Bowling, Brakefield, Browder, Bryant, Bugg, Campbell, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Ford, Fuller, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Lauderdale, Martin, Mitchell, Moore, Newman, Parker, Rains, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Trammell, Turner, and White (F).

—41

Nays:

Reps.: Adams, Bachus, Beers, Biddle, Boles, Box, Brooks, Butler, Carothers, Cosby, Escott, Flowers, Gaston, Gray, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Laird, Lindsey, McKee, McMillan, McNair, Mathis, Mikell, Nicholson, Payne, Penry, Preuitt, Rice, Sasser, Seibels, Venable, Warren, White (G), White (L) and Zoghby.

—39

SUBSTITUTE OFFERED

Rep. Hettinger offered the following substitute #2 to the bill, H. 222 as amended:

A BILL TO BE ENTITLED AN ACT

Proposing an amendment to the Constitution of Alabama 1901, so as to set the individual income tax rate at 3.4% of adjusted gross income, less exemptions and to set the ratio between individual income tax rate and corporate income tax rate at not less than .56 nor more than .57.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

The individual income tax rate shall be set at 3.4% of adjusted gross income, less exemptions. The ratio between individual income tax rate and corporate income tax rate shall be not less than .56 nor more than .57 when determined by the ratio of individual income tax rate over corporate income tax rate. Amendment No. 225 of the Constitution of Alabama of 1901, proposed by Act No. 217, S. 100, 1965 Regular Session of the Alabama Legislature is hereby repealed.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be pub-

lished once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

SUBSTITUTE TABLED

On motion of Rep. Coburn, the substitute #2 offered by Rep. Hettinger to the bill, H. 222 as amended, was tabled.

Yeas 55; Nays 37.

Yeas:

Mr. Speaker, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Ford, Fuller, Goodwin, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Pratt, Rains, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, White (F) and Zoghby.

—55

Nays:

Reps.: Adams, Beers, Brooks, Burke, Butler, Carothers, Cosby, Flowers, Gaston, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (R.G.), Kvalheim, Laird, Lindsey, McKee, McMillan, McNair, Mathis, Mikell, Payne, Penry, Poole, Preuitt, Rice, Sasser, Seibels, Starr, Venable, Warren, White (G) and White (L).

—37

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, H. 222 as amended:

Amend H. B. 222, Section 2, Page 1, by striking Section 2 and adding the following:

Section 2. The election upon the proposed amendment is ordered to be held at the general election scheduled for November 6, 1984. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama, 1975.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore,

Newman, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—84

AMENDMENT OFFERED

Rep. Campbell offered the following amendment #2 to the bill, H. 222 as amended:

Amend H. B. 222 by striking the entire page two (2).

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Ford, Fuller, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, McNair, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—83

SUBSTITUTE OFFERED

Rep. Hettinger offered the following substitute #3 to the bill, H. 222 as amended:

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of Alabama 1901, so as to set the individual income tax rate at 3.4% of adjusted gross income, less exemptions and to set the ratio between individual income tax rate and corporate income tax rate at not less than .56 nor more than .57. The exemptions shall include Social Security income.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

The individual income tax rate shall be set at 3.4% of adjusted gross income, less exemptions. The ratio between individual income tax rate and corporate income tax rate shall be not less than .56 nor more than .57 when determined by the ratio of individual income tax rate over corporate income

tax rate. Amendment No. 225 of the Constitution of Alabama of 1901, proposed by Act No. 217, S. 100, 1965 Regular Session of the Alabama Legislature is hereby repealed. The exemptions shall include social security income.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

SUBSTITUTE TABLED

On motion of Rep. Campbell, the substitute #3 offered by Rep. Hettinger to the bill, H. 222 as amended, was tabled.

Yeas 55; Nays 38.

Yeas:

Mr. Speaker, Albright, Biddle, Blake, Blakeney, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Ford, Fuller, Goodwin, Hall, Harvey, Holley, Horn, Johnson (Roy), Junkins, Lauderdale, McNair, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, White (F) and Zoghby.

—55

Nays:

Reps.: Adams, Bachus, Brooks, Burke, Butler, Carothers, Cosby, Faulk, Flowers, Gaston, Gray, Grimsley, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Kvalheim, Laird, Lindsey, McKee, McMillan, Mathis, Melton, Mikell, Payne, Penry, Preuitt, Rice, Sasser, Seibels, Starr, Turnham, Venable, Warren, White (G) and White (L).

—38

And the bill:

H. 222. This bill proposes a constitutional amendment relating to state income taxes. It increases the maximum rate of state income taxes from five percent to six percent and preserves the deductibility of federal income taxes as provided in existing law.

As amended, was read a third time at length and passed, and ordered engrossed.

Yeas 68; Nays 34.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Grayson, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Lauderdale, Lindsey, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, White (F) and Zoghby.

—68

Nays:

Reps.: Adams, Bachus, Beers, Biddle, Boles, Box, Brooks, Buskey (James), Cosby, Flowers, Gaston, Gray, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, McNair, Mickell, Payne, Penry, Rains, Rice, Sasser, Starr, Venable, Warren, White (G) and White (L).

—34

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 13. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in the City of Birmingham; to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in Birmingham; to provide for a referendum of the voters of the county on the question of whether this Act will become effective in the county; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in Birmingham; to provide for the designation or appointment and the terms of office of the members and officers of the commission; to provide for and authorize the incorporation of the commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of the commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by the commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by the commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the suspension or revocation of any such license; to provide for the issuance by the racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by the racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of a license fee

for pari-mutuel wagering by each licensed operator to the racing commission licensing such operator and to specify the method for determining the amount of any such fee; to provide that the racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent Act of the Legislature; to authorize the racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of the commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by the racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize the racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in the City of Birmingham.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the House concurred in and adopted the Senate amendment to the bill, H. 13, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 municipality on the question of whether this Act will become effective in such municipality; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in any Class 1 municipality in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission; to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-

mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering by each licensed operator to the state and to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; in the event that a state racing commission shall be established pursuant to any act enacted before or after the effective date of this Act, to provide in such event that any municipal racing commission created under this Act and its licensees shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission for a period beginning with the effective date of this Act and continuing until the fifth anniversary of the date on which racing events shall first be conducted under the jurisdiction of such municipal racing commission; to provide that pari-mutuel wagering with respect to horse racing may not be conducted in any Class I municipality within the state unless approved at a referendum at which all of the qualified voters residing in the county or counties in which such municipality, or any part thereof, is located are permitted to cast votes; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and

supervise horse racing and pari-mutuel wagering thereon in Class 1 municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings. It is hereby found and declared as follows: the conduct within Class 1 municipalities in the State of horse racing events and pari-mutuel wagering thereon will generate additional revenues for governmental and charitable purposes, provide additional jobs for the residents of the State and benefit the businesses related to tourism and recreation within any such municipality and throughout the surrounding areas of the State; it is desirable to permit the qualified voters of any Class 1 municipality to determine through referendum whether horse racing and pari-mutuel wagering thereon will be permitted in such municipality; and for each Class 1 municipality in which horse racing is approved by the voters thereof, it is necessary and desirable to provide for the establishment of a racing commission to regulate horse racing and pari-mutuel wagering thereon within such municipality and to administer and enforce the provisions of this Act.

Section 2. Definitions and Use of Phrases. (a) The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, unless the context clearly indicates otherwise, have the following respective meanings herein:

"Alabama-Bred", when used with reference to a thoroughbred horse or a standardbred horse, means a horse which is registered in the registry designated and administered by a Commission in accordance with such rules concerning domicile and registration requirements as may be established by such Commission and which is either (i) foaled from a mare domiciled in the State during the seven-year period beginning with the effective date of this Act or (ii) sired by an Alabama Stallion and foaled from a mare domiciled in the State at any time after the expiration of such seven-year period.

"Alabama Stallion", when used with reference to a thoroughbred stallion or a standardbred stallion, means a stallion which is standing in the State at the time he is bred to the dam of an Alabama-Bred horse, which is registered with a Commission, and which is alternatively (i) owned by a resident of the State and standing the entire stud season in the State, (ii) owned by a resident of another state but standing the entire stud season in the State and leased by a resident of the State for a term of not less than two years or (iii) owned jointly by a resident of the State together with a resident of another state and leased by a resident of the State for a term of not less than two years. For purposes of this definition, a resident of the State may be any one of the following: (1) a natural person whose principal residence is located in the State; (2) a natural person who does not maintain his or her principal residence in the State but who personally owns, singly or jointly with his or her spouse, real property located in the State that has an original cost to such person or a current fair market value of not less than \$100,000; or (3) a corporation or partnership which has its principal place of business in the State and more than fifty percent of the stock or other ownership interest in which is owned by natural persons described in clause (1) or (2) of this sentence. The Commission with which any Alabama Stallion may be registered shall have the power to prescribe rules and regulations governing the manner by which the qualifications of a resident shall be confirmed to such Commission for purposes of this definition.

"Breakage" means the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents.

"Breeder" means the owner of a mare at the time such mare gives birth to an Alabama-Bred thoroughbred or standardbred foal.

"Breeding Fund" means a special fund established by a Commission pursuant to the provisions of Section 34 of this Act and any applicable rules and regulations of such Commission for the purpose of promoting the breeding, raising and racing of thoroughbred or standardbred horses in the State.

"Breeding Fund Fee" means a fee payable to a Commission by an Operator pursuant to Section 34 of this Act for deposit into the Breeding Fund established by such Commission.

"Commission" means any public corporation organized pursuant to the provisions of this Act.

"Commission Wagering Fee" means a license fee payable to a Commission by an Operator for a particular calendar year, the amount and payment schedule of which are to be determined in accordance with the provisions of Section 30 hereof.

"Handle", when used with reference to any specified period of time, means the total amount deposited in all of the pari-mutuel pools originated by an Operator during such period of time.

"Host County" means any county in which a Sponsoring Municipality is located. With respect to a Sponsoring Municipality located in more than one county, "Host County" means the county in which the largest number of residents of the Sponsoring Municipality reside, as determined by the most recent federal decennial census.

"Host County House Delegation" means, with respect to a Host County, the members of the House of Representatives of the Legislature of Alabama from those representative districts which are located entirely within such Host County.

"Host County Senate Delegation" means, with respect to a Host County, the members of the Senate of the Legislature of Alabama from those senatorial districts which are located entirely within such Host County.

"Member" means a member of a Commission.

"Net Revenues" means all fees (other than Breeding Fund Fees), commissions and other moneys received by a Commission and remaining after the payment of all expenses incurred in the administration of this Act. This term does not include any State Wagering Fees, which are required to be paid by an Operator directly to the State.

"Operator" means a corporation licensed by a Commission to conduct horse racing events and pari-mutuel wagering thereon in accordance with the provisions of this Act.

"Owner" means a corporation, partnership or other business entity licensed by a Commission to own a racing facility in accordance with the provisions of this Act.

"Person", whether or not appearing as a capitalized term, means any natural person, corporation, partnership, joint venture, trust, government or governmental body, political subdivision or other legal entity as in the context may be possible or appropriate.

"Sponsoring Municipality" means any municipality for which a Commission shall be created in accordance with the provisions of this Act.

"Stallion Owner" means the owner of a stallion standing in the State at the time he was bred to the dam of an Alabama-Bred thoroughbred or standardbred horse.

"State" means the State of Alabama.

"State Racing Commission" means any department, agency or instrumentality of the State, whether or not constituting a corporate entity separate from the State, that may at any time, whether before or after the effective date of this Act, be created, organized or established for the purpose, among other purposes, of licensing, regulating or supervising horse racing and pari-mutuel wagering thereon.

"State Wagering Fee" means a license fee payable to the State by an Operator, the amount and payment schedule of which are to be determined in accordance with the provisions of Section 29 hereof.

(b) The words "herein", "hereby", "hereunder", "hereof" and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used. The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 3. Authorization of Commissions. A Commission is authorized to be created in accordance with the provisions of this Act for each Class 1 municipality, as Class 1 municipality is defined in Code of Alabama 1975, § 11-40-12 or any successor provision of law. Any Commission created for any Sponsoring Municipality pursuant to the provisions of this Act shall be named "The _____ (the name of the Sponsoring Municipality shall be inserted in the blank) Racing Commission" and shall be a public corporation having a legal existence separate and apart from the State and any county, municipality or political subdivision thereof. A Commission shall be vested with the powers and duties specified in this Act and all other powers necessary and proper to enable it to execute fully and effectively the purposes of this Act. Immediately upon the incorporation of a Commission in accordance with the provisions of this Act, horse racing and pari-mutuel wagering thereon conducted in the Sponsoring Municipality in accordance with the provisions of this Act shall be lawful, notwithstanding any other provision of law to the contrary.

Notwithstanding any provisions hereof which connect the State with the creation and control of a Commission, any Commission incorporated pursuant to the provisions of this Act shall not be deemed to be part of the State for any purpose, but shall be treated as a public corporation and body politic separate and apart from the State. Except for the State Wagering Fee, all fees, commissions and other moneys which a Commission shall be authorized by this Act to charge, levy or receive shall be deemed to be moneys belonging exclusively to such Commission, and no allocation or payment of such moneys authorized or mandated by this Act shall be considered to be an appropriation of moneys belonging to or controlled by the State.

Notwithstanding any provisions hereof which connect a Commission with its Sponsoring Municipality, the Host County or any other county or municipality [including, without limitation thereto, the provisions of Section 4 hereof regarding a referendum in the Sponsoring Municipality to ap-

prove the incorporation of a Commission and the provisions of Section 5 hereof providing for (i) the mayor or other chief executive officer of the Sponsoring Municipality to serve ex-officio as one Member of a Commission and (ii) the president or other designated presiding officer of the county commission of the Host County to serve ex-officio as one Member of a Commission], any Commission incorporated pursuant to the provisions of this Act shall not be deemed to be a local agency or instrumentality of the Sponsoring Municipality or the Host County, but shall be treated as a public corporation and body politic having rights, powers and duties which, to the extent herein specified, shall be effective without reference to the rights, powers, duties and territories of the Sponsoring Municipality and the Host County. Except for the State Wagering Fee, all fees, commissions and other moneys which a Commission shall be authorized by this Act to charge, levy or receive shall be deemed to be moneys belonging exclusively to such Commission, and the Sponsoring Municipality and the Host County shall have no interest therein except to the limited extent expressly provided by this Act.

Section 4. Referendum to Approve Commission. The governing body of any Class 1 municipality shall call and provide for holding a referendum for the purpose of determining if a Commission shall be incorporated for such municipality pursuant to this Act. The initial referendum shall be held not less than forty-five (45) days nor more than ninety (90) days after the effective date of this Act and shall be advertised, held, conducted and the results thereof canvassed and declared in the manner provided by law for advertising, holding, conducting and canvassing other municipal elections and as said governing body shall provide in the resolution or ordinance calling such election. The question to be voted on shall be stated on the ballots or voting machine tags substantially as follows:

"Do you favor the authorization of horse racing and pari-mutuel wagering thereon in the City of _____ (insert the name of the municipality) and the creation of a racing commission for said city to license, regulate and supervise horse racing and pari-mutuel wagering thereon as provided in Act No. _____ [insert act number] adopted at the _____ [insert session identification] Session of the Legislature of Alabama?"

If the majority of the votes cast in any referendum are "Yes", this Act shall become operative with respect to the municipality conducting such referendum, and horse racing and pari-mutuel wagering thereon shall be legal in such municipality as and to the extent conducted in accordance with the provisions of this Act; if the majority of the votes cast in such election are "No", this Act shall have no further effect with respect to such municipality, unless the governing body thereof should later call another referendum. One or more subsequent referenda may be called by the governing body of a Class 1 municipality if the question submitted at the initial or any subsequent referendum fails to receive a majority of favorable votes; provided, however, that not more than one referendum may be called by any municipality in each calendar year. Once authorized and incorporated, a Commission may not be dissolved except pursuant to general act of the Legislature of Alabama applicable to such Commission. The results of any referendum conducted for a Class 1 municipality pursuant to this act shall be certified to the Secretary of State, within thirty (30) days after the election returns are canvassed, by the officer then authorized by law to certify proceedings taken by the election commission, board of canvassers or other

body then required by law to canvass and declare the results of elections held in such municipality.

Section 5. Members of Commission. (a) Every Commission shall have five members, which shall constitute its governing body. All powers of a Commission shall be exercised by its Members or pursuant to their authorization. The mayor or other chief executive officer of the Sponsoring Municipality and the president or other designated presiding officer of the county commission of the Host County shall each serve as a Member *ex-officio*, and the service of each such official as a Member shall begin and end concurrently with the beginning and ending of his or her tenure in such office. The other three Members shall be appointed in the manner hereinafter prescribed as soon as may be practicable after the certification to the Secretary of State of a favorable vote at a referendum called and held pursuant to Section 4 of this Act. The Lieutenant Governor of the State, the Host County House Delegation and the Host County Senate Delegation shall each appoint one Member; provided, however, that the provisions of this Act conferring upon the Lieutenant Governor of the State the power to appoint one Member of each Commission are hereby expressly declared to be severable from the other provisions of this Act, and if the provisions conferring such power upon the Lieutenant Governor shall be determined by any court of competent jurisdiction to be invalid because of any defect in the notice required to be published with respect to this Act by Sections 106 and 110 of the Constitution of Alabama, as amended, or to be invalid for any other reason, such determination shall not affect, impair or invalidate the remaining provisions of this Act, and in such case, the mayor or other chief executive officer of the Sponsoring Municipality shall have the right to appoint the Member of each Commission that, absent such determination, would have been appointed by the Lieutenant Governor, all subject to the same terms and conditions herein that would be applicable to an appointment made by the Lieutenant Governor. The appointments of Members by the Host County House Delegation and the Host County Senate Delegation shall be made at meetings of the members of the respective delegations held pursuant to the call of the mayor or other chief executive officer of the Sponsoring Municipality, who shall provide the members of each delegation with written notice of any such meeting at least ten (10) days prior to the date set therefor. All meetings of the Host County House Delegation or the Host County Senate Delegation called and held pursuant to this Act shall be open to the public. Any appointment of a Member by the Host County House Delegation or the Host County Senate Delegation must be approved by a majority of the members of such delegation voting in person at a public meeting called and held pursuant to this Act. Any meeting of the Host County House Delegation or the Host County Senate Delegation at which fewer than a majority of the members of such delegation are present, or at which no appointment of a Member is made because of a failure to obtain the approval of a majority of the members of such delegation, may be adjourned to a future time and place announced at such meeting; provided that, if either delegation fails to appoint a Member within thirty (30) days of the date of the first meeting called for the purpose of such appointment, the right of such delegation to appoint a Member shall terminate and such appointment shall be made as soon thereafter as practicable by the mayor or other chief executive officer of the Sponsoring Municipality.

(b) The Member to be appointed by the Lieutenant Governor of the State shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the third calendar year next following the calendar year in which the referendum authorizing the incor-

poration of the Commission shall be conducted; the Member to be appointed by the Host County House Delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fourth calendar year next following the calendar year in which the referendum authorizing the incorporation of the Commission shall be conducted; the Member to be appointed by the Host County Senate Delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fifth calendar year next following the calendar year in which the referendum authorizing the incorporation of the Commission shall be conducted. Thereafter, the term of office of each appointed Member shall be five years, commencing at noon on the July 1 on which the term of the immediate predecessor Member shall end.

(c) If at any time there shall be a vacancy among the appointed Members of a Commission (i.e., those Members who do not serve ex-officio), a successor Member shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed Member (other than those initially appointed), whether for a full five-year term or to complete an unexpired term, shall be made by the officer or legislative delegation responsible for the appointment of the Member whose term shall have expired or is to expire or in whose position a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such Member is to take office as such. If the term of any Member shall expire prior to the reappointment of such Member or prior to the appointment of his successor, such Member shall continue to serve until his successor is appointed, and if such Member is reappointed for a new term after the expiration of the immediately preceding term which he has been serving, his new term of office shall be deemed to have commenced at noon on the July 1 on which the immediately preceding term shall have expired. Members shall be eligible for reappointment without limit as to the number of terms previously served. In the event that any appointments are not made within sixty (60) days after the certification to the Secretary of State of a favorable vote at a referendum called and held pursuant to this Act (in the case of initial appointments), or within thirty (30) days of the end of a term or other vacancy, then a vacancy shall be filled or a successor Member appointed by a majority of the Members holding appointments already made or serving as ex-officio Members. Appointments shall be evidenced by a written certificate executed by the appointing official, or, in the case of appointments made by a majority of the other Members, by a certificate signed by the Members making such appointment, or, in the case of appointments made by a legislative delegation, by the members of the delegation voting for such appointment or by a member of the delegation designated to serve as the secretary of the meeting at which such appointment is made and to report the results thereof to the Secretary of State. The certificates evidencing the appointment of Members of a Commission shall be addressed and delivered to the Secretary of State, who shall maintain the originals of such certificates as official records in his office.

(d) Each appointed Member of any Commission shall have been a resident of the Host County for a period of at least five years prior to his or her appointment and shall, at the time of his or her appointment and at all times during his or her term of office, be a resident of the Host County and a qualified elector of the State, and a failure by any appointed Member to remain so qualified during such term of office shall cause a vacancy of the office of such Member. No person serving as a member of the Legislature of the State, serving as a member of the governing body of any municipality, county or other political subdivision of the State, or holding a full-time of-

fice or position of employment with the United States of America, the State, any county or municipality in the State, or any instrumentality, agency or subdivision of any of the foregoing, shall be eligible for appointment as a Member of a Commission. Service by any person as a member, director, trustee or other participant in the management or administration of any governmental agency, board or commission, or public educational institution, or other public body of the United States of America, the State, or any county or municipality or other political subdivision shall not render such person ineligible for appointment as a Member of a Commission unless such service constitutes full-time employment. Each appointed Member shall be of good moral character and shall never have been convicted of a felony or other offense involving moral turpitude. Each appointed Member of a Commission shall make and submit to the appointing officer or legislative delegation responsible for his or her appointment an affidavit confirming his or her qualifications, as set forth in the preceding provisions of this subsection (d), to serve as a Member of a Commission, which affidavit shall be filed with the Secretary of State along with the aforesaid certificate evidencing such appointment. Any appointed Member of a Commission who in such affidavit intentionally makes a false statement of material fact or intentionally fails to disclose any information necessary to make any statement of material fact made therein not misleading shall be guilty of perjury and shall be subject to prosecution and punishment therefor in the same manner as if he had committed perjury as a witness in open court.

(e) Any person who is an appointed Member of a Commission shall be deemed to vacate his or her office as such Member by (i) the acceptance of any office or employment which, had such person held such office or been so employed at the time of his or her appointment as a Member, would have rendered such person ineligible for appointment as a Member or (ii) the occurrence of any event or circumstance involving the character of such person which, had such event or circumstance occurred prior to the time of his or her appointment as a Member, would have precluded such appointment. Any appointed Member may be impeached and removed from office as a Member of a Commission in the same manner and on the same grounds provided in Section 175 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the State for impeachment and removal of the public officers subject to said Section 175 or successor provision thereof. The mayor or other chief executive officer of the Sponsoring Municipality and the president or other designated presiding officer of the county commission of the Host County may not be impeached and removed from office as a Member of a Commission apart from their impeachment and removal from the respective offices by virtue of which, ex-officio, they serve as Members.

Section 6. Incorporation of Commission. The five persons initially designated as Members of a Commission shall become a corporation with the power and authority provided in this Act by proceeding according to the provisions of this Act. To become a corporation, the persons so designated shall present to the Secretary of State an application signed by them which shall contain the following:

- (1) a statement that the applicants propose to incorporate a Commission pursuant to this Act;
- (2) the name and principal residence of each of the applicants;
- (3) the date on which each applicant who is not an ex-officio Member

was appointed as a Member and the expiration date of the term for which he was appointed;

(4) the term of office for each applicant who is an ex-officio Member;

(5) the name of the proposed corporation, which shall be "The _____ [name of the Sponsoring Municipality] Racing Commission";

(6) the location of the principal office of the proposed corporation, which shall be in the Sponsoring Municipality; and

(7) any other matter relating to such Commission which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the State to take acknowledgments to deeds. The Secretary of State shall examine the application, and if the Secretary of State finds that it substantially complies with the requirements of this section, he shall receive, file and record it in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name stated in the application, without the necessity of any further action under any other laws of the State applicable to the creation of corporations, and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the Great Seal of the State, and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation or dissolution of any Commission.

Section 7. General Provisions Respecting Members of a Commission. No Member shall vote on or participate in the discussion or consideration of any matter coming before a Commission in which he, his immediate family, or any business enterprise with which he is associated has any direct or indirect pecuniary interest; provided, however, that when any such matter is brought before a Commission, any Member having an interest therein which may be in conflict with his obligations as a Member shall immediately make a complete disclosure to such Commission of any direct or indirect pecuniary interest he may have in such matter prior to removing himself and withdrawing from the Commission's deliberations and vote on the matter presented. In furtherance, and not in limitation of the foregoing provision, no Member or employee of a Commission, and no spouse, child, parent, brother or sister of any such Member or employee, (i) shall have any financial interest, direct or indirect, in any horse racetrack or operation incidental thereto which is subject to the provisions of this Act, or in any entity which has submitted an application for a license under this Act, or in the operation of any wagering authorized under this Act or (ii) shall participate as owner of a horse or otherwise as a contestant in any race subject to the jurisdiction of a Commission or have any pecuniary interest in the purse or prize contested for in any such race. No appointed Member or officer of a Commission (e.g., any Member or officer of a Commission who does not serve as such by reason of his holding another office), no employee of a Commission, and no spouse, child, parent, brother or sister of any such appointed Member or officer or of any such employee, shall make, or cause to be made on his or her behalf, any contribution to any holder of any office of the State or any office of the Sponsoring Municipality or the Host County

of such Commission or any contribution to any candidate for any such office.

The mayor or other chief executive officer of the Sponsoring Municipality and the president or other designated presiding officer of the county commission of the Host County shall perform the duties of Members of a Commission, ex-officio, without any compensation other than that to which they are respectively entitled as such municipal or county officers. Appointed Members of a Commission shall be entitled to such compensation for their services as the Commission shall from time to time provide by duly adopted resolution, provided that no appointed Member of a Commission shall receive more than \$100 for each day or part thereof spent in the performance of his duties. Each Member, whether appointed or serving ex-officio, shall be reimbursed for his or her reasonable expenses incurred in the performance of his or her duties as a Member of a Commission. The compensation and expenses of Members shall be paid out of the funds of a Commission in accordance with such rules as shall be from time to time adopted by such Commission. A majority of the Members of a Commission shall constitute a quorum for the transaction of business by such Commission, and, in the absence of a rule incorporated in the bylaws of a Commission that, in certain circumstances, may require the favorable vote of a designated percentage of all the Members of a Commission, decisions shall be made on the basis of a majority of the quorum then present and voting, with each Member to have a single vote. No vacancy in the membership of a Commission or the voluntary disqualification or abstention of any Member thereof shall impair the right of a quorum to exercise all of the powers and duties of the Commission.

Section 8. Officers of a Commission. The officers of a Commission shall consist of a chairman, vice chairman, executive secretary, treasurer and such other officers as the Commission shall deem necessary or appropriate. The chairman and vice chairman of a Commission shall be elected by the Commission from the membership thereof. The executive secretary shall be appointed as provided in Section 10 hereof. The principal financial officer of the Sponsoring Municipality of a Commission shall serve ex-officio as the treasurer of such Commission.

Section 9. Treasurer of a Commission; Investment of Funds of a Commission. The treasurer of a Commission shall collect all the fees, commissions and other moneys provided for in this Act, and shall supervise, check and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof. The principal financial officer of a Sponsoring Municipality shall perform the duties of the treasurer of a Commission, ex-officio, without any compensation other than that to which he or she is entitled as the principal financial officer of such Sponsoring Municipality, but he or she shall be reimbursed for expenses actually incurred in the performance of his or her duties as treasurer of a Commission. All managerial, accounting and clerical personnel which the principal financial officer of a Sponsoring Municipality shall determine to be necessary to keep the books and records of a Commission created for such Sponsoring Municipality and to perform the audit and other financial functions for such Commission authorized or contemplated by this Act shall be employees of such Sponsoring Municipality and shall perform their duties under the supervision of such principal financial officer in his capacity as ex-officio treasurer of such Commission; provided, however, that the number, qualifications and compensation of personnel employed by such Sponsoring Municipality to perform all financial functions for such Commission shall be subject to the approval of such Commission, as well as to such other laws and regulations as may be

applicable to such personnel as employees of such Sponsoring Municipality. Each Commission shall reimburse the Sponsoring Municipality for all costs and expenses incurred in the performance of all financial functions for such Commission, including a reasonable allowance for the time of the principal financial officer of such Sponsoring Municipality devoted to the business of such Commission as its ex-officio treasurer.

The funds of a Commission which its treasurer determines are not then needed to discharge its obligations or to make the disbursements provided for in Sections 34 and 36 hereof may be invested in such of the following investments as its treasurer may determine to be most advantageous or convenient: (i) any time deposit with, or any certificate of deposit issued by, or any acceptance by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation; (ii) any direct, general obligation of the United States of America; (iii) any obligation payment of the principal of and interest on which is unconditionally guaranteed by the United States of America; (iv) any direct, general obligation of, or any obligation payment of the principal of and interest on which is unconditionally guaranteed by, any agency or instrumentality of the United States of America (including, without limitation, the Federal National Mortgage Association); and (v) any repurchase agreement or reverse repurchase agreement with any bank which is a member of the Federal Deposit Insurance Corporation (or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation) or with any government bond dealer reporting to and trading with the Federal Reserve Bank of New York, provided that such agreement is secured by obligations or securities described in clauses (i), (ii), (iii) and (iv) of this sentence. Funds of a Commission not invested in accordance with the preceding sentence shall be deposited in a bank the principal office of which shall be located in the Sponsoring Municipality and the deposits of which shall be insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation.

Section 10. Powers and Duties of a Commission. A Commission shall have the powers and duties necessary to license, regulate and supervise horse racing and pari-mutuel betting incidental thereto, including, without limiting the generality of the foregoing, the powers and duties set forth hereinafter in this section or in other sections of this Act.

(1) A Commission shall have succession in perpetuity, subject only to the provisions of this Act as it may be amended from time to time.

(2) A Commission shall have the power to sue and be sued in its own name in civil suits and actions and to defend suits against it.

(3) A Commission shall have the power to adopt and make use of an official seal and to alter the same at pleasure.

(4) A Commission shall have the power to adopt, alter and repeal by-laws, regulations and rules, not inconsistent with the provisions of this Act, for the regulation and conduct of its affairs and business.

(5) A Commission shall have the power (a) to borrow money from any source, including the Sponsoring Municipality (which is hereby authorized

to lend such money to its related Commission), for the purpose of paying expenses that may be reasonably incurred in carrying out its duties in advance of the receipt of fees, commissions and other moneys payable to it under the provisions of this Act, and (b) to pledge as security for the payment of the principal of and interest on the money so borrowed all or any of such fees, commissions and other moneys, which pledge shall be prior to any and all claims to such fees, commissions and other moneys from any intended recipients of Breeding Fund Fees pursuant to Section 34 hereof or from any intended recipients of the Net Revenues pursuant to Section 36 hereof; provided, however, that no Commission shall be entitled to borrow, or to allow to remain outstanding at any time, a principal amount in excess of (i) \$500,000 or (ii) the amount which the Commission estimates will be its total operating expenses for the next three years, whichever of such amounts is the lesser.

(6) A Commission shall establish and maintain a general business office within its Sponsoring Municipality for the transaction of its business at a place to be determined by such Commission. A Commission shall meet at such times and places within its Sponsoring Municipality as it shall determine.

(7) Each Commission shall be vested with supervision and authority over all horse races licensed by it under the provisions of this Act and over all persons conducting, participating in or attending such races. A Commission shall employ such persons to be present at race meetings as are necessary to ensure that they are conducted with order and the highest degree of integrity, and it may require that an Operator pay such salaries to such of the Commission's employees as it shall prescribe. A Commission may eject or exclude from any racetrack or from any part thereof any person, whether or not he possesses a permit, whose conduct or reputation is such that his presence may, in the opinion of the Commission, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of horse racing.

(8) A Commission and its representatives and employees shall visit, investigate and have free access to the office, track, facilities or other place of business of an Operator, and may compel the production of any of an Operator's books, documents, records or memoranda for the purpose of satisfying itself that such Operator is truthfully complying with the provisions of this Act and the Commission's rules and regulations. A Commission shall require that there be delivered to it an annual balance sheet and income statement of each Operator subject to its jurisdiction and also a copy of any management, concession or other contract to which any such Operator is a party.

(9) A Commission shall adopt and publish reasonable rules, regulations and conditions under which all types of racing subject to its jurisdiction, and pari-mutuel wagering, shall be conducted in its Sponsoring Municipality, and such other reasonable regulations as it deems necessary and appropriate to carry out the purposes and provisions of this Act. Such rules and regulations may include reasonable penalties for violations which shall be in the nature of civil and not criminal penalties.

(10) A Commission may issue subpoenas for the attendance of witnesses before it, administer oaths and compel production of records or other documents and testimony of such witnesses whenever such Commission finds it necessary and appropriate so to do in order to carry out its duties

under this Act or to enforce the provisions of this Act or rules or regulations adopted pursuant hereto.

(11) A Commission shall have the power to compel an Owner or Operator to file with such Commission such information, including, without limitation, financial statements and information relative to stockholders and all others with any pecuniary interest in such licensee as shall appear to such Commission to be necessary for the performance of its duties hereunder, and may prescribe the manner in which books and records of an Owner or Operator shall be kept.

(12) A Commission shall have the power to enter into arrangements with any governmental or nongovernmental agency or association for the purposes of exchanging information, establishing security forces or performing any other act better to ensure the proper conduct of horse racing.

(13) A Commission shall have the power to demand and obtain for its files the fingerprints of the following persons, which fingerprints may be taken by a representative of a law-enforcement agency of the county, state or federal government, by inspectors of such Commission or by such qualified private security agency as such Commission may designate: (i) all Members, officers and employees of such Commission; (ii) every person who is an officer, director, partner or other principal of a corporation, partnership or other entity which holds a license as an Owner or Operator, and every employee of such a licensee whose duties relate to the horse racing business in the Sponsoring Municipality; (iii) all owners of horses, trainers, jockeys, apprentices, stable employees, managers, agents, blacksmiths, veterinarians and other persons who actively participate in the racing activities of any Operator; and (iv) all other persons whose relationship to horse racing and wagering activities under the jurisdiction of such Commission is of such nature that such Commission, in the exercise of reasonable judgment, believes that it would be prudent to obtain the fingerprints of such persons.

(14) A Commission shall report annually to the governing body of its Sponsoring Municipality and to such state and federal authorities as shall be required by law.

(15) All books, records, maps, documents and papers of a Commission, including those filed with such Commission as well as those prepared by or for it, shall at all times be open for the personal inspection of any officer of the State, the Sponsoring Municipality or the Host County or any official investigative body or committee of any thereof, and no person having charge or custody thereof shall refuse this right to any officer or investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information. If any Member of a Commission violates the provisions of this paragraph, he shall be subject to removal from office.

(16) Subject to the provisions of Section 11 of this Act, a Commission shall appoint an executive secretary and such other employees as it deems essential to perform its duties under this Act. Such employees shall possess such authority and perform such duties as the Commission shall prescribe or delegate to them. Such employees may include stewards, chemists, veterinarians, inspectors, accountants, guards, and such other employees deemed by the Commission to be necessary for the supervision and the proper conduct of the highest standard of horse racing. Such employees shall be compensated as provided by the Commission.

(17) The executive secretary of a Commission, in addition to any other

duties prescribed by such Commission, shall keep a true and full record of all proceedings of such Commission and preserve at such Commission's general office all books, documents and papers of such Commission.

(18) A Commission shall have the authority to employ legal counsel of its choice to advise such Commission and represent it in all proceedings. The compensation of such counsel shall be paid out of funds of such Commission.

Section 11. Qualifications of Commission Employees. Each appointed officer and each employee of a Commission shall be of good moral character and shall never have been convicted of a felony or other offense involving moral turpitude. As a condition of employment by a Commission, each employee shall make and submit to such Commission an affidavit confirming his or her qualifications, as set forth in the preceding sentence, to be an employee of such Commission, which affidavit shall constitute a part of the permanent personnel records of such Commission. Any employee of a Commission who in such affidavit intentionally makes a false statement of material fact or intentionally fails to disclose any information necessary to make any statement of material fact made therein not misleading shall be guilty of perjury and shall be subject to prosecution and punishment therefor in the same manner as if he had committed perjury as a witness in open court.

Section 12. Review of Commission Action. Any person aggrieved by a refusal of a Commission to issue any license or permit, or suspension or revocation of a license or permit, imposition of a fine, or any other action of the Commission, may, within thirty (30) days of such action, appeal to the circuit court of the Host County. If such court finds that the action of such Commission was arbitrary, it shall order the issuance or reinstatement of such license or permit, abatement of such fine or such other action as it deems appropriate. The decision of such court shall be subject to appeal as in other cases at law.

Section 13. Commission May Obtain Injunctions. Whenever it appears to a Commission that any person has been violating or may violate any provision of this Act or any reasonable rule or regulation or final decision of such Commission, it may apply to the circuit court of the Host County for an injunction against such person. The order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

Section 14. Licenses Required for Owners and Operators. No person shall construct or establish a horse racetrack where race meetings are to be held and pari-mutuel wagering permitted, or own any such track or racing facilities in the Sponsoring Municipality, unless he has obtained an owner's license issued by a Commission in accordance with the provisions of this Act, which license when granted shall authorize the holder thereof to construct, establish and own in the Sponsoring Municipality a horse racetrack where race meetings are held and pari-mutuel wagering permitted in compliance with this Act.

No person shall operate pari-mutuel wagering or conduct any race meeting at which wagering is permitted with his knowledge or acquiescence in the Sponsoring Municipality unless he has obtained an operator's license under the provisions of this Act, which license when granted shall authorize the holder thereof to operate pari-mutuel wagering or conduct a race meeting at which pari-mutuel wagering is permitted in the Sponsoring Municipality in compliance with this Act.

No license issued under the provisions of this Act shall be transferable

without the approval of the Commission which issued such license, such approval to be given or withheld under rules and regulations adopted by such Commission.

Section 15. Application for Owner's License. Any person desiring to construct or own a racetrack at which pari-mutuel wagering is permitted shall file with the appropriate Commission an application for an owner's license. Such application shall be filed at the time and place prescribed by such Commission and shall be in such form and contain such information as may be prescribed by such Commission, including the following:

(1) the name and address of such person; if a corporation, the state of its incorporation and the full name and address of each officer and director thereof; if a foreign corporation, whether it is qualified to do business in the State; and if a partnership or joint venture, the name and address of each general partner thereof;

(2) the name, and every address for the period of five years immediately preceding the date of such application, of each stockholder or member of such corporation, or each general partner of such partnership or joint venture, and of each person who has contracted for a pecuniary interest in the applicant or the facilities at which such race meeting or pari-mutuel wagering will be conducted, whether such interest be an ownership or a security interest, and the nature and value of such interest, and the name and address of each person who has agreed to lend money to the applicant; provided that if the applicant proposes to arrange further financing, subsequent to the award of an owner's license, through a sale of stock, partnership interests or other equity interests, the issuance of debt securities, the entering into of financing leases or otherwise borrowing money, then, in such case, such Commission may grant an owner's license which sets forth conditions to be met in arranging such further financing or which reserves to such Commission the right to approve any or all aspects of such further financing;

(3) such information as such Commission deems appropriate regarding the character and responsibility of the applicant and the members, partners, stockholders, officers and directors of the applicant;

(4) the location and description of the racetrack, place or enclosure where such applicant proposes to hold race meetings; provided that such Commission may require such information about the facilities and location of the track, including preliminary architectural plans, as it deems necessary and appropriate to determine whether they comply with the minimum standards provided in this Act, and whether the conduct of race meetings at such location would be in the best interests of the people of the State;

(5) such information relating to the financial responsibility of the applicant as such Commission deems appropriate;

(6) if any of the facilities necessary for the conduct of racing or pari-mutuel wagering are to be leased, the terms of such lease; and

(7) any other information which such Commission in its discretion deems appropriate.

Any application filed hereunder shall be verified by the oath or affirmation of an officer of the applicant, and shall be accompanied by a nonrefundable fee of \$15,000.

Section 16. Review of Application for Owner's License. A Commission shall promptly consider any application for an owner's license submitted to

it and shall grant or deny such license based on all information before it, including any investigations it deems appropriate. A Commission shall deny a license to any applicant unless it finds as follows:

(1) that each natural person having an ownership interest in the applicant, either directly or indirectly, shall have been a resident of the State continuously for a period of five years next preceding the date of the application in question; and

(2) that the applicant's facilities will meet the following minimum standards: (a) that the facilities will provide a track racing surface of at least one mile; (b) that the facilities will be appropriate for the conduct of year-round racing and night racing; and (c) that the facilities will be located within the corporate limits of the Sponsoring Municipality or will be annexed thereto prior to the commencement of racing.

For purposes of clause (1) of the next preceding sentence of this section, a resident of the State shall be a natural person who during the period in question had such continuing presence in the State as would have satisfied the residency requirements for such person to be and remain a registered voter in the State during such period.

The provisions of this section which permit an owner's license to be granted to an Owner only if each natural person having an ownership interest in such Owner has been a resident of the State continuously for the preceding five years shall not be construed (A) to impair the foreclosure rights of any mortgagee holding a mortgage on the racing facilities of such Owner securing debt incurred to finance the costs of constructing or purchasing such racing facilities or (B) to impair the rights of any mortgagee holding such a mortgage, or the rights of any other person, corporation or other legal entity to which such racing facilities may be sold in foreclosure, to take and hold title to such racing facilities, to lease or sell the same, and to apply for and receive an owner's license therefor from the Commission upon compliance with all other applicable provisions of this Act, irrespective of whether the aforesaid condition of five years' residence in the State shall be satisfied by each individual having an ownership interest in such mortgagee or an ownership interest in a corporation or other legal entity to which such racing facilities shall be sold, as the case may be.

A Commission shall deny a license to an applicant if it finds that for any reason the issuance of a license to such applicant would not be in the interests of the people of the Sponsoring Municipality, or that the applicant, or any officer, general partner or director of the applicant:

(i) has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for in the application;

(ii) is or has been guilty of any corrupt or fraudulent act, practice or conduct in connection with any horse race meeting in the State or any other state;

(iii) has had a license or permit to hold or conduct a horse race meeting denied for just cause, suspended or revoked in any other state or country; or

(iv) is not qualified to do business in the State, or is not subject to the jurisdiction of the courts of the State.

Section 17. Terms of Owner's License. An owner's license issued under this Act shall be for a period of twenty (20) years, but shall be reviewed annually. A Commission issuing an owner's license shall state

therein the person to whom such license is issued, the duration of such license, the location of the proposed racetrack, and such other conditions of the license and related information as such Commission shall deem proper. It shall be the policy of each Commission to permit widespread ownership of stock or limited partnership interests in a corporation or partnership holding an owner's license and owning a racetrack facility.

While any owner's license or licenses theretofore issued by a Commission shall remain in effect, such Commission shall not issue (i) any other owner's license with respect to the racetrack covered by the owner's license or licenses already in effect or (ii) any other owner's license covering any other racetrack to be located in the Sponsoring Municipality without, in either case, the duly authorized consent of the Owner or Owners holding all owner's licenses already in effect, which consent shall be obtained in writing prior to the issuance of any such other owner's license. Any provisions of this Act or any other law to the contrary notwithstanding, a Commission may, at the time of the issuance of an owner's license to an Owner or at any time thereafter, enter into a contract with such Owner establishing restrictive conditions under which such Commission may license racetracks that would compete with the racetrack covered by the license of such Owner, which conditions may, in the discretion of such Commission, preclude the licensing of any competing racetracks while such Owner's license shall remain in effect. The provisions of any such contract between a Commission and an Owner shall be deemed to be a part of the terms and conditions of the owner's license granted to such Owner. Without in any way limiting the nature of the consideration that might be given by an Owner to make such contract binding, the obligations (including any future obligations) of any Operator using the racetrack covered by such Owner's license to pay the State Wagering Fee and the Commission Wagering Fee, together with the economic benefits to be derived by the State and such Commission and its Sponsoring Municipality from the establishment and continued operation of a racetrack, shall be deemed sufficient consideration to make such contract binding upon such Commission and any State Racing Commission. Any such contract between a Commission and an Owner shall be binding upon such Commission and any State Racing Commission at any time exercising jurisdiction over such Commission or such Owner and shall not be impaired by any subsequent action of such Commission or such State Racing Commission or by any act of the Legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the establishment and operation of a competing racetrack in contravention of such contract.

A Commission may require a bond with surety acceptable to it in an amount determined by it to be sufficient to cover the maximum indebtedness anticipated to be incurred by the licensee to such Commission in any year. The amount of such bond may be adjusted from time to time as such Commission may require.

Each Commission may require the licensee to pay such Commission a license fee of \$2,000 per month for a period beginning six months from the date of issuance of the owner's license to the date of the beginning of operation of the related racetrack. The license fee shall be used by the Commission for operating expenses prior to the beginning of operation of the racetrack.

Section 18. Application for Operator's License. Any corporation desiring to hold race meetings at which pari-mutuel wagering is permitted shall file with the appropriate Commission an application for an operator's li-

cense. Such application may be made in conjunction with an application for an owner's license. It shall be filed at the time and place prescribed by the Commission and shall contain such information as prescribed by the Commission, including all information required for an owner's license under this Act. Any application for an operator's license filed hereunder shall be verified by the oath or affirmation of an officer of the applicant and shall be accompanied by a nonrefundable fee of \$10,000.

Section 19. Review of Application for Operator's License. A Commission shall promptly consider any application for an operator's license submitted to it and shall grant or deny such license based on all information before it, including any investigation it deems appropriate. A Commission shall deny a license to any applicant unless it finds as follows:

(1) that such applicant is a corporation organized under Title 10 of the Code of Alabama 1975, or comparable law or laws of another state, and qualified to do business in the State;

(2) if the corporation is a stock corporation, that no one person owns more than thirty percent (30%) in voting rights or value of the stock of such corporation, and that no "family group" (which shall mean, for the purposes of this clause (2), any person and his or her spouse, parents, brothers and sisters) owns more than fifty percent (50%) in voting rights or value of the stock of such corporation; if the corporation is a nonstock corporation, that there are at least ten members, and that no more than twenty percent (20%) of the membership belongs to any family group;

(3) if the corporation is a stock corporation, that one hundred percent (100%) in voting rights and value of such corporation is owned directly or indirectly (through ownership of corporate stock, partnership interests or beneficial interests in one or more trusts or estates) by natural persons who have been residents of the State continuously for a period of five years next preceding the date of the application in question; if the corporation is a nonstock corporation, that members of such corporation possessing one hundred percent (100%) of the voting rights are natural persons who have been residents of the State for a period of five years next preceding the date of the application in question;

(4) that the members of the board of directors of such corporation, whether the same shall be a stock or a nonstock corporation, are individuals who have been residents of the State for a period of five years next preceding the date of the application in question;

(5) that the applicant's articles or certificate of incorporation or other corporate documents provide that it may, on vote of a majority of the stockholders or members, purchase at fair market value the entire stock or interest of any stockholder, or require the resignation of any member, who is or becomes unqualified for such position under this Act;

(6) that the applicant would be qualified, under the provisions of this Act, for a license to own the racetrack facilities at which it desires to hold a race meeting;

(7) that the applicant shall have made, or shall have committed to make, arrangements satisfactory to such Commission for the detection and prosecution of any corrupt or fraudulent act, practice, or conduct in connection with any race meeting, including utilization of the services of a protective agency acceptable to such Commission; and

(8) that the applicant shall have obtained and committed to maintain

membership in such racing associations (as, for example, the Thoroughbred Racing Association or the United States Harness Association) as such Commission finds necessary or desirable to assist an Operator to operate race meetings.

For purposes of clauses (3) and (4) of the next preceding sentence of this section, a resident of the State shall be a natural person who during the period in question had such continuing presence in the State as would have satisfied the residency requirements for such person to be and remain a registered voter in the State during such period.

Section 20. Terms of Operator's License. An operator's license issued under this Act shall be for a period of twenty (20) years, but shall be reviewed annually. Any such license issued under this Act shall permit the holder thereof to hold and conduct one or more race meetings each year at the racetrack to which such license shall be applicable. Races may be conducted six days or nights a week throughout the year, but not on Sunday.

A Commission issuing an operator's license shall state therein the corporation to which such license is issued, the location of the racetrack where meetings are to be conducted, the period during which such license shall be in effect, and such other conditions of the license and related information as such Commission shall deem proper.

While any operator's license or licenses theretofore issued by a Commission shall remain in effect, such Commission shall not issue any other operator's license with respect to any racing events of the kind covered by the operator's license or licenses already in effect without the duly authorized consent of the Operator or Operators holding all operator's licenses already in effect, which consent shall be obtained in writing prior to the issuance of any such other operator's license. Any provisions of this Act or any other law to the contrary notwithstanding, a Commission may, at the time of the issuance of an operator's license to an Operator or at any time thereafter, enter into a contract with such Operator establishing restrictive conditions under which such Commission may license the conduct of racing events that would compete with the racing events or activities covered by the license of such Operator, which conditions may, in the discretion of such Commission, preclude the licensing of any competing racing events or activities while such Operator's license shall remain in effect. The provisions of any such contract between a Commission and an Operator shall be deemed to be a part of the terms and conditions of the operator's license granted to such Operator. Without in any way limiting the nature of the consideration that may be given by an Operator to make such contract binding, the obligations (including any future obligations) of any Operator to pay the State Wagering Fee and the Commission Wagering Fee, together with the other economic benefits to be derived by the State and by such Commission and its Sponsoring Municipality from the conduct of horse racing and pari-mutuel wagering thereon, shall be deemed sufficient consideration to make such contract binding upon such Commission and any State Racing Commission. Any such contract between a Commission and an Operator shall be binding upon such Commission and any State Racing Commission at any time exercising jurisdiction over such Commission or such Operator and shall not be impaired by any subsequent action of such Commission or such State Racing Commission or by any act of the Legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the conduct of racing events or activities by persons other than such Operator in contravention of such contract.

A Commission issuing an operator's license shall require a bond with surety acceptable to it, and in an amount determined by it to be sufficient to cover the maximum indebtedness anticipated to be incurred by the holder of such license to such Commission in any year. The amount of such bond may be adjusted from time to time as such Commission may require.

Section 21. Suspension or Revocation of License. A Commission may suspend or revoke any license or fine the holder thereof not to exceed \$5,000 after hearing with fifteen (15) days' notice in any case where it has reason to believe that any regulation of the Commission has not been complied with or has been violated. Annually, each Commission shall review the performance of each licensee for compliance with the provisions of this Act and the rules and regulations of such Commission. Deliberations of a Commission under this section may be conducted in executive session, unless otherwise requested by the licensee. If any such license is suspended or revoked, the Commission shall state its reason for doing so, which shall be entered of record. Such action shall be final unless appealed in accordance with the provisions of this Act.

Section 22. Application to Acquire Interest in Operator. Any person desiring to acquire stock in, or become a member of, a corporation which holds an operator's license hereunder shall apply to the Commission which issued such license on a form prescribed by it for approval of such acquisition or membership; provided, however, that no stock in any stock corporation holding an operator's license may be acquired or transferred pursuant to the provisions of this section unless all the natural persons who will ultimately own, directly or indirectly, all the voting rights and value represented by such stock shall have been residents of the State (as "resident of the State" is defined in Section 19 hereof) continuously for a period of five years next preceding the date on which such stock is to be acquired or transferred; provided further that no person shall become a member of any nonstock corporation holding an operator's license unless such person is a natural person who shall have been a resident of the State (as "resident of the State" is defined in Section 19 hereof) continuously for a period of five years next preceding the date on which such person is to become a member of such corporation. The Commission shall consider such application forthwith, and may, if it finds it necessary, demand additional information concerning the proposed acquirer or transferee of stock or the proposed member in a nonstock corporation, as the case may be. If in the judgment of the Commission the acquisition or transfer of stock or membership in a corporation holding an operator's license would be detrimental to the public interest, to the honesty and integrity of racing, or to the reputation of racing, the application shall be denied. If the application is not denied within sixty (60) days, it shall be deemed approved. It shall be the policy of each Commission to favor the widespread ownership of stock in Operators by residents of the State.

Section 23. Permits Required for Certain Individuals and Companies. No person, firm, corporation or partnership shall participate in any horse racing subject to the jurisdiction of a Commission or in the conduct of any racing event or pari-mutuel wagering thereon, whether as a horse owner, trainer, jockey, exercise boy, groom, stable foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, or track employee, or enter the track enclosure in any capacity other than as a spectator, unless such person or the firm, corporation or partnership employing such person possesses a permit therefor from the appropriate Commission and complies with the provisions of this Act and all reasonable rules and

regulations of such Commission. No permit issued under this section shall be transferable.

The provisions of this section which require a concessionaire to obtain a permit from the appropriate Commission in order to operate a business selling food, beverages, souvenirs or other merchandise to persons attending racing events shall not be construed to permit any Commission to charge a concessionaire any license or permit fees measured by its gross revenues or to derive any economic benefit from the operations of such concessionaires other than the permit fees authorized by Section 24 of this Act, it being expressly provided that the Owner and the Operators for each racing facility shall have the exclusive rights (as they may by contract allocate such rights among themselves) to determine the business conditions under which concessionaire shall operate at racing facilities under the jurisdiction of any Commission and to retain all moneys (except for the Commission's permit fee as aforesaid) which any concessionaire is willing to pay for the privilege of conducting business at such racing facilities.

Section 24. Application for Permit. Any person, firm, corporation or partnership desiring to obtain a permit as required by this Act shall make application therefor on a form prescribed by the appropriate Commission. Each individual applicant and each principal of any firm, chief executive officer of any corporation and managing partner of any partnership applying for a permit for such firm, corporation or partnership, as the case may be, shall be photographed and fingerprinted and shall supply such information as such Commission may require. All information contained in, or submitted in support of, any application for a permit shall be confirmed by an affidavit of the person or persons making such application, whether such application shall be made on behalf of such person or persons or on behalf of a firm, corporation or partnership. Any application for a permit made by an individual who seeks to work at a racing facility under the jurisdiction of a Commission and any application for a permit made by a firm, corporation or partnership that seeks to provide services or sell merchandise at such racing facility, as the case may be, shall include a statement as to whether such individual, or any owner, principal, officer, director or partner of such firm, corporation or partnership, or any employee of such firm, corporation or partnership who will actually work at such racing facility, has ever been convicted of a felony or other offense involving moral turpitude. Any firm, corporation or partnership which has previously received an effective permit from a Commission to provide services or sell merchandise at a racing facility shall, as a condition of maintaining such permit, file with such Commission supplemental information (including the statement described in the preceding sentence) concerning any new or additional owners, principals, officers, directors or partners of such firm, corporation or partnership, as the case may be, or any new or additional employees thereof who will actually work at such racing facility.

A Commission shall be entitled to charge fees for permits according to such schedule as it shall adopt from time to time, and in addition to the fee that it may charge a firm, corporation or partnership having employees at a racing facility under its jurisdiction, it may charge a separate fee for each individual employee of such firm, corporation or partnership working at such racing facility; provided, however, that (i) the permit fee for any one firm, corporation or partnership shall not exceed \$1,000 in any period of one year and (ii) the permit fee for any individual shall not exceed \$50 in any period of one year, regardless of whether such individual is self-employed or is employed by a firm, corporation or partnership also paying a permit fee.

Section 25. Review of Applications for Permits. A Commission shall promptly consider any application for a permit submitted to it and shall issue or deny such permit based on the information in the application and all other information before it, including any investigation it deems appropriate. If an application for a permit is approved, the Commission approving such application shall issue a permit which shall contain such information as such Commission deems appropriate. Such permit shall be valid for one year.

A Commission shall deny any such application and refuse to issue a permit, which denial shall be final unless an appeal is taken under the provisions of this Act, if it finds that the issuance of such permit to the applicant therefor would not be in the interest of the applicant, the people of the Sponsoring Municipality or the horse racing industry in the Sponsoring Municipality, or that the applicant:

(1) has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for by the application;

(2) is or has been guilty of any corrupt or fraudulent practice or conduct in connection with any horse racing activity in the State or any other state;

(3) has failed to comply with the provisions of this Act or the reasonable rules and regulations of the Commission;

(4) has had a permit to engage in an activity related to horse racing denied for just cause, suspended or revoked in any other state, and such denial, suspension or revocation is still in effect; or

(5) is unqualified to perform the duties required for the permit sought.

Section 26. Suspension or Revocation of Permit. A Commission may suspend or revoke a permit issued under this Act or fine the holder of such permit not to exceed \$1,000, after hearing with fifteen (15) days' notice to such holder, in any case where it has reason to believe that any provision of this Act, or any reasonable rule or regulation of the Commission, has not been complied with or has been violated. The Commission may revoke such permit, after such hearing, if it finds that facts not known by it at the time it considered the application for such permit indicate that such permit should not have been issued. Deliberations of a Commission concerning the suspension or revocation of a permit may be conducted in executive session unless otherwise requested by the holder of such permit. If any permit is suspended or revoked, the Commission shall state its reasons for so doing and shall enter the same in the permanent records of its proceedings. The suspension or revocation of a permit shall be final unless an appeal is taken in accordance with the provisions of this Act.

Section 27. License Required for Stewards; Appointment of Stewards for Race Meetings. Any person desiring to act as a steward for any race meeting conducted pursuant to this Act must obtain a license from the Commission having jurisdiction over such race meeting. Each Commission shall require each applicant for a steward's license to pass one or more examinations on matters relating to the duties of stewards. Such examinations shall be prepared and administered in accordance with rules and regulations to be adopted by each Commission. Any Commission may establish other requirements, in addition to successful completion of such examinations, which must be met by any applicant in order to obtain a steward's license, including, without limitation, payment of reasonable license fees. Any stew-

ard's license issued pursuant to this Act shall have a term not exceeding two years, provided that the term of any such license may be extended or renewed at the option of the appropriate Commission.

Three licensed stewards shall be appointed to supervise each race meeting conducted pursuant to this Act. Two of such stewards shall be appointed by the Commission governing such race meeting and one shall be appointed by the Operator conducting such race meeting. Such stewards shall exercise such powers and perform such duties at each race meeting as may be prescribed by the rules and regulations of the governing Commission.

Section 28. General Provisions Respecting Pari-Mutuel Wagering. Pari-mutuel wagering conducted by an Operator shall be conducted in accordance with the provisions of this section. An Operator shall provide a place or places at the racetrack operated by it at which such Operator shall conduct a pari-mutuel system of wagering by its patrons on the results of horse races held at such racetrack. Such place or places shall be provided with the electronic or mechanical equipment necessary to issue pari-mutuel tickets, as well as the electronic or mechanical equipment necessary to record the wagering, compute the odds, and determine the awards to winning bettors, all in an accurate and speedy manner. All such equipment shall be approved by the Commission licensing such Operator before being used, but such Commission shall not require the installation of any particular make of such equipment.

Subject to the provisions of the next succeeding paragraph, an Operator shall distribute to the winners of each pari-mutuel pool the total amount wagered with respect to that pool, less the following deductions to be retained by such Operator as in the case may be applicable:

(i) in the case of any pari-mutuel pool where the bettor is required to select one horse, there shall be deducted an amount equal to seventeen percent (17%) of the total amount wagered with respect to that pool plus the Breakage applicable to the winning bets for that pool;

(ii) in the case of any pari-mutuel pool where the better is required to select two horses, there shall be deducted an amount equal to twenty-one percent (21%) of the total amount wagered with respect to that pool plus the Breakage applicable to the winning bets for that pool; and

(iii) in the case of any pari-mutuel pool where the bettor is required to select three or more horses, there shall be deducted an amount equal to twenty-three percent (23%) of the total amount wagered with respect to that pool plus the Breakage applicable to the winning bets for that pool.

In addition to the amounts permitted by the preceding sentence to be deducted from all pari-mutuel pools and retained by an Operator, such Operator shall be permitted to retain all moneys represented by unclaimed, uncashed, or abandoned pari-mutuel tickets; provided, however, that no pari-mutuel ticket shall be deemed to be unclaimed, uncashed, or abandoned unless it shall not be presented for payment within six months from the date of the running of the race to which such pari-mutuel ticket pertains.

During any period in which an Operator shall be required to pay the State Wagering Fee, such Operator shall have the right to increase the deduction permitted by the next preceding paragraph by any amount up to one percent (1%) of the total amount wagered with respect to any pari-mutuel pool, any provisions of this Act or any other law to the contrary

notwithstanding. It is hereby expressly declared that this right is conferred upon each Operator licensed by a Commission for the purpose of enabling such Operator to generate all or part of the money necessary to pay the State Wagering Fee, and any increase in the amount deducted by an Operator from any pari-mutuel pools pursuant to the exercise of such right shall not be made the basis of any increase in the State Wagering Fee, the Commission Wagering Fee or any other taxes, fees or commissions payable by such Operator. No increase in the amount deducted from any pari-mutuel pool shall be permitted pursuant to this paragraph until such time as an Operator shall become liable for the State Wagering Fee, but thereafter, and for so long as such Operator shall remain liable for the State Wagering Fee, the right conferred by this paragraph to increase the amount deducted may be exercised at any time and from time to time (including the right to institute an increase and thereafter discontinue and resume it any number of times), may be exercised with respect to all pari-mutuel pools or with respect to some and not to others, and may be exercised with respect to any pari-mutuel pool in any degree of increase, not exceeding in any case more than one percent (1%) of the total amount wagered with respect to that pool, all as such Operator shall determine in the exercise of its sole discretion without direction or influence from the Commission licensing such Operator, any State Racing Commission or any other governmental body.

A Commission shall adopt and maintain rules and regulations for each kind of pari-mutuel pool that may be operated by an Operator licensed by such Commission, and such rules and regulations shall be published by such Commission in book or pamphlet form for general distribution to all interested persons. Under the pari-mutuel system of wagering hereby authorized, an Operator shall be permitted to provide separate pools for bets to win, place, and show, as well as separate pools for more complex wagers involving such combinations of races and such combinations of the outcomes of races as shall be approved by the Commission licensing such Operator. Each pool (less the amount that the Operator is permitted to retain pursuant to the provisions of this section) shall be distributed separately to the winners thereof in accordance with the rules and regulations of the governing Commission for that kind of pari-mutuel pool. If there is no ticket bet on the winning horse or combination of horses for any pari-mutuel pool, the portion of the pool which would have been distributed to any winners thereof shall be distributed to the holders of tickets for such pool in accordance with the rules and regulations of the governing Commission for that kind of pari-mutuel pool.

Section 29. State Wagering Fee. No license tax, fee or equivalent charge shall be levied by the State against horse racing or pari-mutuel wagering thereon licensed and regulated by a Commission during a period beginning with the effective date of this Act and continuing until the fifth (5th) anniversary of the date on which racing events shall first be conducted under the jurisdiction of such Commission. Beginning with such fifth (5th) anniversary of the date on which racing events shall first be conducted under the jurisdiction of a Commission, and continuing thereafter for so long as such Commission shall continue in existence, each Operator licensed by such Commission shall pay to the Department of Revenue of the State (or such other department or agency of the State as may be provided by law) a State Wagering Fee in an amount equal to one percent (1%) of the Handle of such Operator. The State Wagering Fee shall be paid in installments referable to the calendar months during which racing events shall be conducted by an Operator, and the installment referable to any calendar month shall be an amount equal to one percent (1%) of the Handle of such

Operator for such calendar month and shall be paid to the Department of Revenue of the State (or such other department or agency of the State as may be provided by law) prior to the end of the next succeeding calendar month. The Department of Revenue of the State (or other collecting department or agency of the State) is hereby authorized to promulgate and enforce such rules and regulations, not inconsistent with the provisions of this Act, as shall be reasonably necessary for the determination and collection of the State Wagering Fee. The Department of Revenue of the State (or other collecting department or agency of the State) may require a bond with surety acceptable to it in an amount determined by it to be sufficient to cover the maximum liability for the State Wagering Fee that may at any time be incurred by an Operator.

The Legislature hereby finds and determines that the State Wagering Fee authorized by this Act is the maximum license fee or equivalent tax or charge which can be levied by the State against horse racing or pari-mutuel wagering thereon without impairing the economic viability of horse racing and lessening its contribution to increased employment and tourism in the State. No State Racing Commission shall have the power to increase the State Wagering Fee above the limits provided in this Act, to impose the State Wagering Fee for any period not herein authorized, or to levy or impose any additional license fee or equivalent tax or charge against horse racing or pari-mutuel wagering thereon conducted under the provisions of this Act.

Section 30. Commission Wagering Fee. Each Operator shall pay to the treasurer of the Commission licensing such Operator a Commission Wagering Fee for each calendar year during which it conducts any racing events. The amount of the Commission Wagering Fee for an Operator for a given calendar year shall be equal to the sum of (i) two percent (2%) of the Handle of such Operator for such calendar year to the extent that such Handle does not exceed one hundred fifty million dollars (\$150,000,000) and (ii) four percent (4%) of the portion of the Handle of such Operator for such calendar year that exceeds one hundred fifty million dollars (\$150,000,000). Each Operator shall make payment of its Commission Wagering Fee for each calendar year to the treasurer of the licensing Commission in monthly installments. For each calendar year, the monthly installment referable to any month (other than the month during which the final racing event for such calendar year shall be conducted) shall be equal to two percent (2%) of the Handle for such month. The monthly installment referable to the month during which the final racing event for any such calendar year shall be conducted shall be equal to the sum of (i) two percent (2%) of the Handle for such month and (ii) two percent (2%) of the portion of the aggregate Handle for such calendar year in excess of one hundred fifty million dollars (\$150,000,000). The installment of the Commission Wagering Fee referable to any calendar month shall be paid to the treasurer of the appropriate Commission prior to the end of the next succeeding calendar month.

If at any time during a calendar year the aggregate Handle of an Operator for such calendar year exceeds one hundred fifty million dollars (\$150,000,000), then such Operator shall, in order to assure the availability of the moneys required to pay the final installment of its Commission Wagering Fee for such calendar year, set aside and invest moneys in an amount equal to two percent (2%) of the portion of such aggregate Handle in excess of one hundred fifty million dollars (\$150,000,000) in investments of the kind in which the funds of a Commission are permitted by Section 9 hereof to be invested by its treasurer. Any such investments acquired by an Operator shall be held by it in trust for the benefit of the Commission licensing

such Operator in order to secure the payment of the Commission Wagering Fee, but the Operator shall be entitled to any interest earned from such investments until the due date of the final installment of the Commission Wagering Fee for such calendar year.

The Legislature hereby finds and determines that the Commission Wagering Fee authorized by this Act is the maximum license fee or equivalent tax or charge which can be levied by a Commission or by any political subdivision of the State against horse racing or pari-mutuel wagering thereon without impairing the economic viability of horse racing and lessening its contribution to increased employment and tourism in the State. No Commission shall have the power to increase the Commission Wagering Fee above the limits provided in this Act or to levy or impose any additional license fee or equivalent tax or charge against horse racing or pari-mutuel wagering thereon conducted under the provisions of this Act.

Section 31. Purses. From the moneys deposited in pari-mutuel pools which are not distributed to the holders of winning tickets, each Operator shall apply an amount equal to seven percent (7%) of its total Handle to provide purse moneys for races conducted by such Operator. Prior to the commencement of any race meeting, the Operator conducting such meeting shall estimate the amount of its Handle to be derived from such meeting. Based upon such estimate, the Operator shall adopt a schedule providing for a reasonable allocation of purse moneys over the period of the anticipated race meeting. Any such schedule may be amended from time to time during the course of a race meeting if it becomes apparent that the Operator's actual Handle for such race meeting will not match its original estimate.

Each Operator shall provide the Commission licensing such Operator with periodic reports respecting the amounts applied by such Operator to provide purse moneys. If at the close of any race meeting it is determined that the Operator conducting such meeting failed to apply an amount equal to seven percent (7%) of its Handle for such meeting to provide purse moneys, then any excess shall be deducted from, and any deficiency shall be added to, the amount which such Operator is required to provide as purse moneys for its next succeeding race meeting.

Section 32. Television or Radio Transmission of Racing Events. Each Commission shall have the power to adopt rules and regulations specifying the conditions under which television or radio coverage of racing events held at racetracks located outside the State may be transmitted for public viewing to racetrack facilities within the Sponsoring Municipality which are under the jurisdiction of such Commission and there made the object of pari-mutuel wagering. Subject to such exceptions as a Commission may approve by rule or regulation in order to satisfy applicable requirements of federal law, all pari-mutuel wagering with respect to such racing events that are the subject of television or radio coverage shall be subject to the rules governing pari-mutuel wagering on racing events conducted at racetracks under the jurisdiction of such Commission, including the provisions of Sections 28, 29 and 30 hereof.

Each Commission shall also have the power to adopt rules and regulations specifying the conditions under which television or radio coverage of racing events held at racetracks under the jurisdiction of such Commission may be either (i) transmitted on a live or delayed basis by a commercial television or radio station or network for the entertainment of the public or

(ii) transmitted to specific locations in other states for the purpose of pari-mutuel wagering at such locations.

Nothing contained in this section or any other provision of this Act shall be construed to authorize or make lawful wagering or gambling of any kind at any location other than the pari-mutuel facilities located at race-track facilities licensed by a Commission.

Section 33. Admission Fee. The governing body of a Sponsoring Municipality may by ordinance impose a fee on an Operator licensed hereunder to conduct a race meeting of \$.25 on the admission of each person on each day of such meeting, except those persons holding valid permits under this Act and actually employed at such track in the capacities for which such permits were issued. The Operator may collect such amount from the ticket purchaser in addition to the amount charged for the ticket of admission.

Section 34. Breeding Fund. Each Commission shall establish a special fund to promote the breeding, raising and racing of thoroughbred and standardbred horses in the State, which shall be known as "The — [name of the Sponsoring Municipality] Racing Commission Breeding and Development Fund." Each Operator shall pay to its licensing Commission a Breeding Fund Fee for each month during which it conducts any racing events. For each Operator, the Breeding Fund Fee for any month shall be an amount equal to one-half of one percent ($\frac{1}{2}\%$) [or, in the case of any such fee referable to any month during the period of three years immediately following such Operator's receipt of an operator's license, one-quarter of one percent ($\frac{1}{4}\%$)] of the Handle for such Operator for such month. The Breeding Fund Fee payable by an Operator for a given month shall be paid to the treasurer of the Commission governing such Operator before the end of the succeeding month. All Breeding Fund Fees received by a Commission shall be deposited into its Breeding Fund.

Twenty percent (20%) of the aggregate amount of Breeding Fund Fees received by each Commission in each calendar year shall be set aside for distribution to the schools of veterinary medicine of Auburn University and Tuskegee Institute. Each Commission shall distribute the moneys so set aside on such schedule as shall be administratively reasonable and convenient, but in any event all such moneys referable to the Breeding Fund Fees received in any calendar year shall be distributed not later than sixty (60) days after the end of such calendar year. Each Commission shall divide the twenty percent of the Breeding Fund Fees required to be set aside for the schools of veterinary medicine at Auburn University and Tuskegee Institute between such schools in an equitable manner, taking into account the number of students served by each school, the financial needs of each school to maintain accepted academic standards, the nature and quality of equine research conducted at each such school and such other factors as such Commission shall deem relevant in the circumstances; provided, however, that neither of such schools of veterinary medicine shall receive less than twenty-five percent (25%) of the total amount required to be set aside by the provisions of this paragraph in any calendar year. All moneys distributed to the schools of veterinary medicine at Auburn University or Tuskegee Institute pursuant to this paragraph shall be used exclusively for supportive research on the health and diseases of the horse.

Each Commission shall adopt rules and regulations governing the maintenance and administration of its Breeding Fund and the disbursement of the moneys deposited therein, provided that such moneys may be used only

for the purposes specified in the next preceding paragraph of this section and for the following additional purposes:

(1) to provide awards to Breeders and owners of Alabama-Bred thoroughbred or standardbred horses finishing first, second, third or fourth in parimutuel races run in the State;

(2) to provide awards to Stallion Owners whose Alabama Stallions have sired Alabama-Bred thoroughbred or standardbred horses finishing first, second, third or fourth in pari-mutuel races run in the State;

(3) to provide purse moneys for races conducted exclusively for Alabama-Bred thoroughbred or standardbred horses under conditions which have been approved by such Commission;

(4) to advance and promote the breeding and raising of thoroughbred and standardbred horses in the State by the publication and dissemination of information relating thereto;

(5) to promote equine research through grants to universities within the State; and

(6) to provide for the administration and management of such Breeding Fund.

Section 35. No Taxes in Addition to Fees. The State Wagering Fee, the Commission Wagering Fee and any other fees imposed by this Act on parimutuel wagering shall be in lieu of all license and excise taxes imposed on horse racing and pari-mutuel wagering thereon by the State or any county, municipality or other political subdivision thereof; provided, however, that this section shall not be construed to confer any exemption with respect to any uniform taxes levied generally on property, income or business activity, including, without limitation, (i) income taxes levied by the State, (ii) occupational taxes levied on wages by a Sponsoring Municipality or Host County, (iii) ad valorem taxes levied on any racing facility at the same rates as are applicable to other commercial property having comparable market value, and (iv) state and local sales taxes on merchandise sold by Operators or their concessionaires at racing events.

Section 36. Application of Net Revenues. All commission wagering fees and other fees, commissions and moneys, including fines and forfeitures, to which a Commission shall be entitled under the provisions of this Act shall be paid to the treasurer of such Commission and shall be deposited by said treasurer to the account of such Commission. All such moneys remaining after (i) the payment of all expenses incurred in the administration of this Act, including (without limitation thereto) the payment of the salaries and expenses of the Members and employees of such Commission and (ii) the deposit into the Breeding Fund of all amounts required by Section 34 hereof to be deposited therein shall be allocated and paid not less frequently than once each calendar year as follows:

(1) eighteen percent (18%) of the Net Revenues shall be allocated to the Sponsoring Municipality, subject to the condition that five percent (5%) of the amount so allocated shall be contributed to the general employees' pension fund of the Sponsoring Municipality for the purpose of providing cost-of-living increases in pension benefits;

(2) ten percent (10%) of the Net Revenues shall be allocated in total to the county or counties in which the Sponsoring Municipality or any part thereof shall be located, subject to the conditions that

(i) if the Sponsoring Municipality is located in more than one county, the portion of the said ten percent of Net Revenues allocated to each such county shall be determined in proportion to the population of the Sponsoring Municipality residing in such county as determined by the most recent federal decennial census,

(ii) one-half of the amount of Net Revenues allocated to any county shall be used for county-wide purposes (including both incorporated and unincorporated areas) in such manner as shall be determined by the governing body of such county, and

(iii) one-half of the amount of Net Revenues allocated to any county shall be used to defray the cost of governmental operations conducted in the unincorporated parts of such county or shall otherwise be used for the exclusive benefit of the unincorporated parts of such county in such manner as shall be determined by the governing body thereof;

(3) if the Board of Trustees of the University of Alabama operates a college, graduate school, extension center or other educational facility located in any county in which the Sponsoring Municipality or any part thereof shall be located, nine percent (9%) of the Net Revenues shall be allocated to the Board of Trustees of the University of Alabama, subject to the conditions that

(i) such amount shall be used exclusively in the county or counties in which the Sponsoring Municipality or any part thereof shall be located;

(ii) one twelfth (1/12) of the amount of Net Revenues allocated to the Board of Trustees of the University of Alabama shall be used for the support of any programs operated for the correction or treatment of learning disorders of any kind or research into the causes of such disorders, and if no such programs are operated by the Board of Trustees of the University of Alabama in the county or counties in which the Sponsoring Municipality or any part thereof shall be located, such portion of the Net Revenues shall be used in such county or counties for such other purposes or programs as may be determined by said Board of Trustees, and

(iii) one twelfth (1/12) of the amount of Net Revenues allocated to the Board of Trustees of the University of Alabama shall be used for the support of any programs or laboratories operated for research in virology, and if no such programs or laboratories are operated by the Board of Trustees of the University of Alabama in the county or counties in which the Sponsoring Municipality or any part thereof shall be located, such portion of the Net Revenues shall be used in such county or counties for such other purposes or programs as may be determined by said Board of Trustees;

(4) three percent (3%) of the Net Revenues shall be allocated in total to public junior colleges [other than any public junior colleges described in paragraph (5) of this section] located in the county or counties in which the Sponsoring Municipality or any part thereof shall be located; and if there shall be more than one of such public junior colleges, the said three percent of the Net Revenues shall be apportioned equally among such colleges;

(5) two percent (2%) of the Net Revenues shall be allocated in total to public junior colleges which are located in the county or counties in which the Sponsoring Municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities; and if there shall be more than one of such public junior colleges, the said two percent of the Net Revenues shall be apportioned equally among such colleges;

(6) two percent (2%) of the Net Revenues shall be allocated in total to public technical colleges located in the county or counties in which the Sponsoring Municipality or any part thereof shall be located; and if there shall be more than one of such public technical colleges, the said two percent of the Net Revenues shall be apportioned equally among such colleges;

(7) two percent (2%) of the Net Revenues shall be allocated to any public corporation or authority which provides public transportation in an area including the Sponsoring Municipality;

(8) seventeen percent (17%) of the Net Revenues shall be allocated in total to all county, municipal, district or other public school systems operating primary and/or secondary schools in any county or counties in which the Sponsoring Municipality shall be located; and if there shall be more than one of such school systems, the said seventeen percent of the Net Revenues shall be allocated to such school systems in proportion to their average daily attendance during the most recently completed school year;

(9) if any incorporated municipalities other than the Sponsoring Municipality are located in the county or counties in which the Sponsoring Municipality or any part thereof shall be located, six percent (6%) of the Net Revenues shall be allocated in total to such other municipalities; and if there shall be more than one of such municipalities, the said six percent of the Net Revenues shall be allocated to such municipalities in proportion to their population as determined by the most recent federal decennial census;

(10) Five and one-half percent of the net revenues shall be allocated in total to any public fire districts or volunteer fire departments organized and operating in the county or counties in which the sponsoring municipality or any part thereof shall be located; and if there shall be more than one of such fire districts or volunteer fire departments, the said five and one-half percent of the net revenues shall be allocated as follows:

a. Among such fire districts and volunteer fire departments in proportion to the approximate number of single family residences and other buildings provided fire protection thereby, which number in the case of a public fire district shall be the paid membership thereof and in the case of a volunteer fire department shall be a census of the number of protected residences and other buildings confirmed by affidavit of the chief executive of such volunteer fire department.

(11) two percent (2%) of the Net Revenues shall be allocated in total to any hospitals which are owned by any county, municipality or public corporation or authority and which are located in the county or counties in which the Sponsoring Municipality shall be located; and if there shall be more than one of such hospitals, the said two percent of the Net Revenues shall be allocated to such hospitals in proportion to their average patient census during the most recently completed annual period selected by the Commission for the purpose of making such allocation;

(12) one-half of one percent ($\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to any public authority or corporation at any time created by law to alleviate or solve, or to assist in the alleviation or solution of, flooding problems caused by creeks in the Sponsoring Municipality and Host County as the result of heavy rainfall; and if no such authority or corporation shall be in existence at the time of any allocation required to be made pursuant to this paragraph (12), such allocation shall be made to the Sponsoring Municipality for use in alleviating or solving such flooding problems, provided that the Sponsoring Municipality may use such allocation for other pur-

poses if its governing body shall determine that no such flooding problems occur in the Sponsoring Municipality;

(13) one percent (1%) of the Net Revenues shall be allocated to the Tannehill Furnace and Foundry Commission established pursuant to Code of Alabama 1975, §§ 41-9-320 through 41-9-330, inclusive;

(14) one-half of one percent ($\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to the civil defense department at the time and from time to time maintained or administered by the Sponsoring Municipality;

(15) one percent (1%) of the Net Revenues shall be allocated to the Alabama State Fair Authority established pursuant to Act No. 215 enacted at the 1947 Regular Session of the Legislature of Alabama; and

(16) if and to the extent that the allocations of Net Revenues described in this paragraph can be lawfully made to recipients satisfying the applicable conditions as herein set forth, the Commission shall allocate and disburse the following percentages of the Net Revenues for the following purposes:

(i) three percent (3%) of the Net Revenues shall be allocated in total to private, not-for-profit colleges which are located outside the corporate limits of the Sponsoring Municipality in any incorporated or unincorporated part of any county in which the Sponsoring Municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;

(ii) three percent (3%) of the Net Revenues shall be allocated in total to private, not-for-profit law schools which are located outside the corporate limits of the Sponsoring Municipality in any incorporated or unincorporated part of any county in which the Sponsoring Municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities, it being expressly provided that the receipt by a college of any amount pursuant to the provisions of subparagraph (i) of this paragraph (16) shall not disqualify any law school affiliated with such college from receiving any amount for which such law school would otherwise qualify pursuant to the provisions of this subparagraph;

(iii) one-half of one percent ($\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to private, not-for-profit colleges which are located in the Sponsoring Municipality and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;

(iv) one percent (1%) of the Net Revenues shall be allocated in total to not-for-profit organizations, whether public or private, which operate in any county in which the Sponsoring Municipality or any part thereof shall be located and which promote, undertake or otherwise assist the career orientation, training and employment of persons belonging to economically disadvantaged minorities;

(v) one percent (1%) of the Net Revenues shall be allocated in total to not-for-profit organizations, whether public or private, that are located in the Sponsoring Municipality and that promote economic development in the Sponsoring Municipality and the surrounding metropolitan area;

(vi) five percent (5%) of the Net Revenues shall be allocated in total to private not-for-profit hospitals located in the Sponsoring Municipality that primarily provide care for children;

(vii) one percent (1%) of the Net Revenues shall be allocated in total to not-for-profit organizations, whether public or private, which are located in any county in which the Sponsoring Municipality or any part thereof shall be located and which sponsor, promote or conduct research and education related to the cure or control of sickle cell anemia or provide treatment or other aid for victims of that disease;

(viii) subject to the provisions of subparagraph (ix) of this paragraph (16), one and one-half percent (1-½ %) of the Net Revenues shall be allocated in total to not-for-profit organizations (including any particular branch thereof) which are located in the Sponsoring Municipality (including, without limitation thereto, organizations such as the Young Men's Christian Association and the Young Women's Christian Association) and which provide educational and recreational activities for young persons predominantly belonging to economically disadvantaged minorities;

(ix) the provisions of subparagraph (viii) of this paragraph (16) to the contrary notwithstanding, if any Commission shall be created pursuant to this act for which the Sponsoring Municipality shall be the City of Birmingham, then, and in such case, one-half of one percent (½ %) of the Net Revenues of such commission shall be deducted from the amount to be allocated pursuant to the subparagraph (iii) and shall instead be allocated to Partners in Neighborhood Growth for use in providing recreational or educational activities for young persons;

(x) one and one-half percent (1-½ %) of the Net Revenues shall be allocated in total to not-for-profit organizations (including particularly any research development and scholastic assistance fund), whether public or private, which are located in any county in which the Sponsoring Municipality or any part thereof shall be located and which promote and encourage scientific or technical research or education at the secondary and college levels by any means, including (without limitation thereto) financial assistance to schools and students, the development of improved curricula, and the training of teachers; provided, however, that if any Commission shall be created pursuant to this Act for which the Sponsoring Municipality shall be the City of Birmingham, then, and in such case, the one and one-half percent of the Net Revenues of such Commission referred to in this subparagraph (x) shall be allocated in its entirety to the Research, Development and Scholastic Assistance Fund for Science and Technology, Inc., a private, not-for-profit corporation organized under the laws of Alabama;

(xi) one percent (1%) of the Net Revenues shall be allocated to the local chapter or affiliate of The National Urban League that is based in the Sponsoring Municipality;

(xii) one percent (1%) of the Net Revenues shall be allocated to the local chapter or affiliate of the United Cerebral Palsy Association, Inc. that is based in the Sponsoring Municipality;

(xiii) one-half of one percent (½ %) of the Net Revenues shall be allocated in total to private, not-for-profit organizations which are located in the Sponsoring Municipality and which sponsor and promote ballet and similar forms of the art of dance by any means, including the training of dancers and the giving of performances; and

(xiv) one-half of one percent (½ %) of the Net Revenues shall be allocated in total to not-for-profit organizations which are located in the Sponsoring Municipality and which assist and coordinate the activities of artists

or groups of artists which perform or display their works within the Sponsoring Municipality.

Except as may herein be specifically provided otherwise, if there shall at any time exist more than one institution or organization which qualifies for a portion of any generic allocation of Net Revenues made pursuant to any of subparagraphs (i) through (xiv), inclusive, of paragraph (16) of this section, then, and in such case, a Commission shall apportion such allocation among all institutions or organizations which evidence to such Commission (in such manner as it shall reasonably require) their respective qualifications to receive a portion of such allocation. Any such allocation shall be apportioned among the qualifying institutions and organizations of each generic category in an equitable manner to be determined by the Commission, taking into account the relative scale of activities of each qualifying institution or organization, the number of persons served thereby or other relevant factors. A Commission shall have reasonable discretion in determining whether, in the light of the legislative intent, a particular institution or organization shall be entitled to an allocation of any portion of the Net Revenues pursuant to the provisions of this section.

A Commission and the individual Members thereof shall be fully protected against any charge of malfeasance in relying upon an opinion of the Attorney General of the State of Alabama that a portion of the Net Revenues may be lawfully allocated and paid to any institution or organization pursuant to any of the provisions of paragraph (16) of this section, unless a court of competent jurisdiction shall declare invalid the allocation of Net Revenues to any such institution or organization.

If any allocation of any portion of the Net Revenues pursuant to any provision of this section cannot be made for any reason (including, without limitation thereto, the legal invalidity of the provisions of this Act authorizing such allocation, lack of lawful authority by a Commission to make such allocation, the nonexistence of any public body or any public or private institution or organization entitled to receive such allocation, or any other failure to satisfy the conditions of such allocation), then, and in such case, the failure of such allocation shall not impair the validity or effectiveness of any part of this Act other than the provisions hereof specifically providing for such allocation, nor shall the failure of such allocation adversely affect any other allocation of Net Revenues under this Act. Any portion of the Net Revenues that, for any reason, cannot be allocated in accordance with the specific provisions of any of paragraphs (1) through (16) of this section shall be apportioned among those governmental bodies, institutions and organizations actually receiving lawful allocations hereunder in proportion to the respective amounts of Net Revenues which would have been allocated to such governmental bodies, institutions and organizations if there had been no need to reallocate any Net Revenues that could not be allocated in accordance with the specific provisions of said paragraphs (1) through (16).

It is hereby expressly declared that the primary purpose of this Act is to provide a means for permitting and regulating horse racing and pari-mutuel wagering thereon in Class 1 municipalities and, further, that it is not a primary purpose of this Act to provide funds for the various governmental bodies and public or private institutions and organizations to which allocations of portions of the Net Revenues of each Commission are made pursuant to this section. The Legislature recognizes that one or more of such governmental bodies, institutions or organizations may not exist in the Sponsoring Municipality or in the surrounding county or counties, as the case may be, and that, even if the intended recipients do exist and satisfy

the applicable conditions, any one or more of such allocations of the Net Revenues may fail because of legal invalidity or other reasons. The allocations of Net Revenues made pursuant to this section represent the legislative effort to confer an incidental benefit upon a wide spectrum of governmental and charitable activities, all of which may not be present in the same degree in every Class 1 municipality subject to this Act. Therefore, the legal invalidity or other failure of one or more allocations of Net Revenues made pursuant to this section should not impair the general validity of this Act or prevent the provisions hereof, other than those relating to the invalid or ineffective allocations, from being implemented as a coherent whole. If and to the extent that any allocation of Net Revenues made to any governmental body or any institution or organization is of such character as to cause this Act to be a local act, it is the legislative intent that the provisions for such allocation be severed from this Act and thereby prevented from causing this Act to be a local act.

Section 37. Conducting Race Without License and Wagering Thereon Prohibited. Any person who directly or indirectly holds any horse race without having procured a license as prescribed in this Act, shall be guilty of a misdemeanor. Any person wagering upon the results of such a race, except in the case of a pari-mutuel wagering conducted by an Operator in accordance with the provisions of this Act, shall be guilty of a misdemeanor. Upon conviction of any of the above misdemeanors in a court of competent jurisdiction, the penalty shall be a fine of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), or imprisonment of not less than five days nor more than six months, or both, such fine and imprisonment to be in the discretion of the court.

Section 38. Disqualification Due to Gambling Activities. No person who engages in the practice of professional gambling on horse races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practice, shall be eligible as an applicant for any license or permit to own or operate a racetrack or conduct racing activities under the provisions of this Act, or to be connected therewith in any capacity, and any corporation, partnership or other entity which has an officer, director, stockholder, partner or executive or who employs any person who engages in such practices shall likewise be ineligible as a licensee, and each Commission is hereby empowered to inquire into such matters in entertaining any such application and otherwise in administering this Act.

Section 39. Tampering with Horses Prohibited. No person shall influence or have any understanding or connivance with any owner, trainer, jockey, driver, groom or other person associated or interested in any stable, horse or race in which any horse participates, to prearrange or predetermine the results of any such race, nor shall any person stimulate or depress a horse, for the purpose of affecting the results of a race, by use of any electrical device or any electrical equipment or by any mechanical or other device not generally accepted as regulation racing equipment, nor shall any person stimulate or depress a horse through the administration of any drug or chemical, or knowingly enter any horse in any race within a period of twenty-four hours after any drug or chemical has been administered to such horse, for the purpose of increasing or retarding the speed of such horse.

No person shall, except for medical purposes, administer any poison, drug, medicine or other substance to any horse entered or about to be entered in any race, or expose such substance to a horse with the intent that it be taken, or cause any foreign substance to be taken by or placed upon or in

the body of such horse, with intent to impede or increase its speed, endurance, health or physical or mental condition.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than ten years, or fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both, in the discretion of the court.

Section 40. Transmission of Racing Information Prohibited. With the exception of television or radio coverage of races authorized in accordance with Section 32 of this Act, it shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or other information relating to any horse race from any racetrack in any Sponsoring Municipality between the period of time beginning one hour prior to the first race of the day and ending thirty (30) minutes after the posting of the official results of each race, as to that particular race, except this period may be reduced to permit the transmitting of the result of the last race each day not sooner than fifteen (15) minutes after the official posting of such results; provided, however, that each Commission may by rule permit the immediate transmission by radio, television (other than television or radio coverage pursuant to Section 32 hereof), or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person or relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio or any other means when the information is knowingly used or intended to be used for illegal gambling purposes or in the furtherance of such gambling purposes.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction, shall be imprisoned for not less than one year nor more than ten years, or fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both, in the discretion of the court.

Section 41. Possession of Certain Drugs Prohibited. The possession or transportation of any drug or chemical except those permitted by regulations of the appropriate Commission within the racing enclosure is prohibited except upon a bona fide veterinarian's prescription with complete statement of uses and purposes on the container. A copy of such prescription shall be filed with the stewards.

Section 42. Misuse of License. Any credential, license or permit issued by a Commission, if used by the holder thereof for a purpose other than identification and in the performance of legitimate duties on a racetrack, shall be automatically revoked whether so used on or off a racetrack.

Section 43. Racing under Unregistered Name Prohibited. No person shall knowingly enter or race any horse in any running or harness race under any name or designation other than the name or designation assigned to such horse by and registered with the Jockey Club, the United States Harness Association or other applicable association or knowingly instigate, engage in or in any way further any act by which any horse is entered or raced in any running or harness race under any name or designation other than the name or designation duly assigned by and registered with the Jockey Club, the United States Harness Association or other applicable association.

Section 44. Wagering by Underage Persons Prohibited. No person shall wager on or conduct any wagering on the outcome of a horse race pursuant to the provisions of this Act unless such person be twenty-one years of age or older. No person shall accept any wager from a person under the age of twenty-one years.

Section 45. Exemption from Jurisdiction of State Racing Commission. In the event that a State Racing Commission shall be created, organized or established at any time, whether before or after the effective date of this Act, each Commission created hereunder and all Owners and Operators licensed thereby shall be exempt from the jurisdiction of such State Racing Commission and from the force and effect of all laws providing for or relating to such State Racing Commission for a period beginning with the effective date of this Act and continuing until the fifth (5th) anniversary of the date on which racing events shall first be conducted under the jurisdiction of such Commission created hereunder. It is hereby expressly declared that no act enacted as the session of the Legislature during which this Act is enacted or at any subsequent session shall be construed to effect a repeal or negation of the exemption conferred by this section, whether by implication or otherwise, in the absence of a provision in such act expressly repealing the provisions of this section.

Section 46. County-Wide Referendum to Approve Pari-Mutuel Wagering. Pari-mutuel wagering with respect to horse racing may not be conducted in the State within the corporate limits of any Class I municipality unless the conduct of such pari-mutuel wagering within such municipality shall have been approved at a referendum at which all of the qualified voters residing in the county or counties in which such municipality, or any part thereof, is located are permitted to cast votes.

In order to satisfy the requirement imposed by this section, any referendum called and held pursuant to and in accordance with the provisions of Section 4 of this Act for the purpose of determining whether a Commission shall be incorporated for a Class I municipality shall be converted into a referendum permitting participation by all qualified voters residing within the county or counties in which such municipality, or any part thereof, is located. In the event that a referendum for any municipality shall be converted to a referendum in any county or counties pursuant to this section, the conduct of pari-mutuel wagering within such municipality shall be deemed to have been approved at such referendum for the purposes of this section only if it shall have been approved by both (i) a majority of all of the voters casting votes in such referendum and (ii) a majority of the voters casting votes in such referendum who reside in such municipality. If pari-mutuel wagering is not approved in any referendum conducted pursuant to this section, whether because of an unfavorable majority of all votes cast or because of an unfavorable majority of the votes cast by voters residing in the municipality involved, then any subsequent referendum called and scheduled by the governing body of such municipality in accordance with the provisions of Section 4 of this Act may be used to satisfy the requirement of this section, but only if such referendum is converted into a referendum permitting participation by all qualified voters residing within the county or counties in which such municipality, or any part thereof, is located.

Anything contained herein to the contrary notwithstanding, the provisions of this section providing for the conduct of county-wide referenda are hereby expressly declared to be severable from the other provisions of this Act, and if such provisions of this section shall be determined by any court

of competent jurisdiction to be invalid because of any defect in the notice required to be published with respect to this Act by Sections 106 and 110 of the Constitution of Alabama, as amended, or to be invalid for any other reason, such determination shall not affect, impair or invalidate the remaining provisions of this Act (including, without limitation, the provisions of Section 4 hereof).

Section 47. Severability. The provisions of this Act are expressly declared to be severable. If any provision of this Act shall be adjudged to be invalid by any court of competent jurisdiction (including, without limitation thereto, any particular allocation of Net Revenues or other provision which, if not severed from this Act, would cause it to be a local act in violation of any constitutional limitation or condition applicable to local acts), such provision shall be severed from this Act in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this Act, and the operation of such judgment shall be limited to the provision thereof directly involved in the action in which such judgment shall have been rendered.

Section 48. Provisions of this Act Control. Insofar as the provisions of this Act may be inconsistent with the provisions of any other law concerning activities and actions authorized by this Act, the provisions of this Act shall control, it being specifically declared that any other provisions of existing law that prohibit or regulate horse racing, gambling or pari-mutuel wagering shall not be applicable to any activities or actions authorized by this Act.

Section 49. Section Captions. The section headings or captions contained in this Act are included for convenience only and should not be considered a part of this Act or affect in any manner the construction or interpretation of this Act.

Section 50. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 36; Nays 21.

Yeas:

Reps.: Bachus, Biddle, Boles, Bowling, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (W), Coleman, Davis, Escott, Flowers, Grayson, Harper, Holmes, Hooper, Horn, McDowell, McNair, Mathis, Melton, Newman, Payne, Perdue, Pratt, Preuitt, Rice, Rogers, Seibels, Spratt, Starkey, Tanner, Thomas and White (G).

—36

Nays:

Mr. Speaker, Beers, Blake, Brooks, Butler, Clark (J), Bray, Grouby, Harvey, Holley, Johnson (Roy), McKee, Mitchell, Nicholson, Poole, Rains, Richardson, Smith, Starr, Turnham and Warren.

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And the bill:

H. 13. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms

used in the substantive provisions of this Act; to authorize the creation of a racing commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 municipality on the question of whether this Act will become effective in such municipality; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in any Class 1 municipality in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission; to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering by each licensed operator to the state and to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; in the event that a state racing commission shall be established pursuant to any act enacted before or after the effective date of this Act, to provide in such event than any municipal racing commission created under this Act

and its licensees shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission for a period beginning with the effective date of this Act and continuing until the fifth anniversary of the date on which racing events shall first be conducted under the jurisdiction of such municipal racing commission; to provide that pari-mutuel wagering with respect to horse racing may not be conducted in any Class 1 municipality within the state unless approved at a referendum at which all of the qualified voters residing in the county or counties in which such municipality, or any part thereof, is located are permitted to cast votes; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in Class 1 municipalities.

As thus amended, was again read at length and passed.

Yeas 33; Nays 32.

Yeas:

Reps.: Albright, Bachus, Biddle, Boles, Bowling, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (W), Coleman, Davis, Escott, Grayson, Harper, Holmes, Horn, McDowell, McNair, Melton, Newman, Payne, Perdue, Pratt, Preuitt, Rogers, Seibels, Spratt, Starkey, Tanner, Thomas and White (G).

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Nays:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Box, Britnell, Brooks, Butler, Gaston, Gray, Grouby, Harvey, Holley, Hooper, Johnson (Roy), Kvalheim, Laird, McKee, McMillan, Mikell, Mitchell, Parker, Penry, Poole, Rains, Smith, Starr, Trammell, Turner, Turnham and Warren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 3. CREATING A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE STEEL INDUSTRY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Ford, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 3, said Senate amendment being as follows:

On page 1, line 32, add the following language as a continuation of the paragraph.

The committee shall report its findings, suggestions and recommendations to the legislature not later than the 30th legislative day of the 1986 Regular

Session. Upon giving such report, the committee shall automatically terminate.

**CREATING A JOINT LEGISLATIVE INTERIM COMMITTEE TO
STUDY THE STEEL INDUSTRY**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Legislative Interim Committee to Study the Steel Industry. Said committee shall be composed of six members who shall be appointed from the Legislature. The Speaker of the House shall appoint three members and the Lieutenant Governor shall appoint three members from the House and Senate respectively.

The committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice chairman.

The committee shall study all aspects due to the merger between the LTV Corporation and Republic Steel Corporation and the possibility of closing the Gadsden plant in the Southern District and the depressed steel industry throughout the nation. This committee shall study the crucial issues facing the steel industry in Alabama and recommend ways in which the State of Alabama can assist the industry to resolve these special problems. The committee's review, while specifically directed to the area of financing and capital formation, environment and imported steel, may include other topics as well. This committee is supported by Republic Steel Corporation.

Upon request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, upon warrants drawn on the state comptroller upon requisitions signed by the chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but shall receive their travel expenses as they travel upon the business of the committee within and without the state. The total of such expenses shall not exceed \$20,000.

RESOLUTION ADOPTED

And the resolution, H. J. R. 3 as amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bailey:

**S. J. R. 83. EXPRESSING APPRECIATION TO THE U. S.
MARINES WHO SERVED IN LEBANON.**

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the

House concurred in and adopted the resolution, S. J. R. 83, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 158. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, March 27, 1984, we adjourn to meet again on Thursday, March 29, 1984, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 158, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dial:

S. J. R. 107. COMMENDING AND CONGRATULATING CLAY COUNTY HOSPITAL AND NURSING HOME.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 107, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

S. J. R. 109. REQUIRING ALL AGENCIES OF THIS STATE AND THEIR POLITICAL SUBDIVISIONS TO PURCHASE ALL ARTICLES AND PRODUCTS NECESSARY BY SUCH AGENCIES FROM THE DEPARTMENT OF CORRECTIONS AS REQUIRED BY TITLE 14, SECTION 7, PARAGRAPH 13.

WHEREAS, present Alabama law requires state agencies and their political subdivisions to purchase office equipment and articles produced by the Department of Corrections, and

WHEREAS, nearly all office equipment and articles can be purchased from the Department of Corrections, and

WHEREAS, inmate labor is utilized in the production of these articles, and

WHEREAS, in many instances these articles are less expensive and of comparable quality as those purchased from outside vendors, and

WHEREAS, the taxpayers of the Great State of Alabama benefit from the lower cost of state office equipment purchases;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the various agencies supported in whole or in part by this State shall purchase from the Alabama Department of Corrections all articles or products required by such offices, departments, institutions, agencies or political subdivisions of this State produced or manufactured by the Department of Corrections with the use of inmate labor, as provided and in concurrence with Title 14, Section 7, Paragraph 13.

BE IT FURTHER RESOLVED, That a copy of the resolution be sent to all state agencies that they may know of our legislative support of this requirement.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. White (F), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 109, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Dixon:

S. J. R. 112. MOURNING THE UNTIMELY AND TRAGIC DEATH OF MRS. MURREL LOLLEY RICHMOND.

Also:

By Senator deGraffenried:

S. J. R. 115. MOURNING THE DEATH OF MRS. KATHLEEN McCLAIN LAWSON.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Starr, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 112, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 115, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Joint Resolution and sends same herewith to the House:

By Senator J. Smith:

S. J. R. 72. CREATING THE LIMESTONE COUNTY EDUCATIONAL TASK FORCE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 72, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 33. Relating to the Alabama Sunset law; to continue the existence and functioning of the Alabama Alcoholic Beverage Control Board as provided in Sections 28-3-40 through 38-3-53, Code of Alabama 1975, and the legislature's concurrence thereof.

Said Governor's Message being in words and figures as follows to-wit:

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 33, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 10, Nays 0.

And said Bill, S. B. 33, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 13, Nays 0.

And said Bill, S. B. 33, together with the Executive amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama Senate
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a message from Governor George C. Wallace, returning to you, the house from which it originated, Senate Bill No. 33, without the Governor's signature and approval, but with the following suggested Executive Amendment.

Done this 26th day of March, 1984.

Respectfully submitted,
ELVIN L. STANTON,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama Senate
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill No. 33, without my signature and approval but with the following Executive Amendment:

EXECUTIVE AMENDMENT TO S. 33

On page 1, paragraph 1, line 23, the number "38" should be deleted and the number "28" should be substituted therefor.

On page 1, paragraph 2, line 34, the number "38" should be deleted and the number "28" should be substituted therefor.

The adoption of the above foregoing suggested Executive Amendment will correct the content of the said Bill and will remove my objections to this Bill.

Done this 26th day of March, 1984.

Respectfully,
GEORGE C. WALLACE,
Governor.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 33, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blakeney, Bowling, Brakefield, Britnell, Brooks, Bugg, Burke, Butler, Carter, Coburn, Coleman, Cosby, Davis, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grimsley, Hall, Hammett, Horn, Johnson, (R. G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McKee, Mikell, Mitchell, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Turnham, White (F), White (G), and White (L).

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And the bill, S. 33 as amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Coburn, Coleman, Cosby, Davis, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Grimsley, Hall, Hammett, Harvey, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, Martin,

Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Tanner, Turnham, White (F), White (G) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment:

By Senator Teague:

S. 164. To amend Sections 25-4-55, 25-4-56, 25-4-57, 25-4-58, 25-4-70, 25-4-75 and 25-4-77, Code of Alabama 1975, as last amended so as to provide that the Special Federal Advance Interest Repayment Fund established by ACT 83-178 will be permanently available as mandated by P. L. 98-21, and to provide for disbursement therefrom, and for discontinuing assessments thereafter when no funds are due or needed; and to provide for disposition of any balances in such fund; to expand the provisions of the Code to provide for denial of benefits during customary vacation periods and holiday or other usual recesses to the same extent as now provided for between term and academic year periods; to provide denial of benefits to employees of certain educational service agencies to the same extent and under the same conditions as now provided for employees of educational institutions; and to define "educational service agencies"; and to exempt from disqualification from receiving benefits individuals whose failure to seek work was due to jury duty as defined herein.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 164. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senators Mitchem and Little:

S. 316. To provide for a one-time appropriation from the special educational trust fund to the emergency secondary education scholarship fund for the 1983-84 academic year.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing

Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 316. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Bishop, Parsons, Smith (B), Bedford, Foshee, Covington, Barron, Cooley, Aldridge, Goodwin, Smith (J), Menton, Teague, and Corbett:

S. 223. To repeal Sections 4-2-30, 4-2-31, 4-2-32, 4-2-35, 4-2-35.1 and 4-2-36 of the Code of Alabama 1975, relating to the creation, composition, appointment and function of the Alabama department of aeronautics and the Alabama aeronautics commission, and the powers, duties, qualifications and functions of the director of aeronautics and the assistant director of aeronautics; so as to abolish the Alabama department of aeronautics and the Alabama aeronautics commission and to transfer all duties, powers, responsibilities, authorities and functions thereof to the state highway department; and to establish an aeronautics division of the state highway department; and to create the position of supervisor of the aeronautics division of the state highway department; and to create the aeronautics board to serve in an advisory capacity to the aeronautics division of the state highway department, and to supervise and authorize all real estate transactions, whether conveyance, lease, or otherwise and to supervise all funds, monies and investments of the aeronautics division of the state highway department, and provide for the appointment, duties and compensation of the board members; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 223. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Little:

S. 351. To exempt the National Conference of State Legislatures and the Council of State Governments from the payment of all state, county and municipal sales and use taxes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 351. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Goodwin, Covington, Little, Bedford, Dial, Aldridge, Bishop, Holmes, deGraffenried, Hand, Cabaniss, Strong, Ellis, and Bennett:

S. 258. To amend Code of Alabama 1975, §§ 13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 258. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Drinkard:

S. 389. To propose an amendment to Amendment No. 432 of the Constitution of Alabama of 1901, relating to fire protection districts in Etowah County, so as to provide for the levy and collection of additional property tax for fire protection in such districts.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 389, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No. 1.

SENATE MESSAGE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Bailey, Smith (J), Bedsole, Cabaniss, Smith (B), Cooley, Bennett, Menton, Aldridge, deGraffenried, and Denton:

S. 128. To amend Section 28-3A-25, Code of Alabama 1975, which provides for certain unlawful acts and offenses under the Alcoholic Beverage Licensing Code, so as to further define the offense of sales of alcoholic beverages to minors.

Also:

By Senators Smith (J), Bennett, and Hilliard:

S. 12. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, aircraft, automobile, truck or watercraft and to prescribe felony punishment for such acts.

Also:

By Senator Smith (J):

S. 84. To further amend the probate laws so as to clarify certain inconsistencies in portions of the "Probate Code" and probate laws by amending Sections 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-8-114, 43-8-132, as amended and repealing Sections 43-2-314, 43-2-317, 43-2-449, 43-2-466 as amended, of the Code of Alabama.

Also:

By Senators Smith (J), Goodwin, Dial, Foshee, Barron, Little, Menton, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Holmes, Strong, Bedsole, Aldridge, and Bailey:

S. 275. To amend § 15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor; and to specify the sentences to which this Act applies; to provide what shall be the effect of any holding that such a limitation on parole is ineffective or invalid; and to specify the effective date of this Act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 128. State Administration.

S. 12. Judiciary.

S. 84. Judiciary.

S. 275. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senators Mitchem, Little, Barron, Dial, Aldridge, Hand, Bailey, Smith (J), Langford, Holmes, Denton, Foshee, Smith (B), Amari, Goodwin, Bennett, Cooley, Covington, Dixon, Drinkard, Parsons, Teague, Strong, Hilliard, Corbett and deGraffenried:

S. 314. To provide that any appropriations made to the Public Education Employees' Health Insurance Board for the purpose of funding a uniform plan of health insurance for educational personnel shall also include an appropriation to the Public Education Employees' Health Insurance Board for partially funding insurance coverage for retired employees.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 314. Ways and Means.

SENATE MESSAGE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Teague:

S. 76. To further regulate and control transactions in alcoholic beverages which take place in Alabama by and under the supervision of the Alabama alcoholic beverage control board; to authorize municipal option elections to determine classification of municipalities as wet or dry municipalities as to alcoholic beverages; to provide that any municipality having a population of 6,000 or more located in a dry county, may change its classification from dry to wet or wet to dry by a municipal option election, upon the petition of 10% of the number of registered voters in said municipality; to provide for the manner and requirements of holding said municipal option election and for payment of the expenses of same; and to provide that a period of not less than 720 days must elapse between the dates of such municipal option elections.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing

Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 76. Judiciary.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Clark (J), Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 45. AUTHORIZING THE JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE ALABAMA AERONAUTICS COMMISSION TO EMPLOY AN INVESTIGATOR.

On motion of Rep. Coburn, the resolution, S. J. R. 45, was adopted.

Yeas 42; Nays 22.

Yeas:

Mr. Speaker, Albright, Black, Bowling, Britnell, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark (D), Clark (W), Coburn, Coleman, Davis, Escott, Ford, Goodwin, Grayson, Hall, Harvey, Holley, Horn, Johnson (Roy), Junkins, Lauderdale, Martin, Melton, Mitchell, Newman, Nicholson, Parker, Perdue, Poole, Pratt, Rogers, Spratt, Starkey, Tanner, Thomas, Trammell and White (L).

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Nays:

Reps.: Adams, Brooks, Carothers, Cosby, Gaston, Gray, Grimsley, Hammett, Harper, Hooper, Kvalheim, Laird, McKee, McMillan, Mathis, Mikell, Preuitt, Sasser, Starr, Turnham, White (G) and Zoghby.

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INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Reps. Nicholson and Brakefield:

H. 623. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Rep. Smith:

H. 624. To amend Section 9-3-12, Code of Alabama 1975, relating to the state forestry commission steering committee, so as to provide further for an increase in committee members and their appointment.

Committee on Agriculture and Forestry.

By Reps. Davis, Rogers, Nicholson, Pratt, Escott, Horn, Spratt, Tanner, Goodwin, Lauderdale, Clark (D), Seibels, Hall, Reed, McDowell, Grayson, Brakefield, Parker, Kennedy, Bugg, Crow, Gray, Warren, Thomas, Preuitt, Grimsley, Junkins, Blake, Browder, Carothers, Bryant, Boles, Melton, McNair, Dutton, Bowling, Rains, Hettinger,

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Trammell, Poole, Moore, Albright, Buskey (John), Burke, Payne, Mathis, Faulk, Hooper, Starr, Biddle, Buskey (James), Holmes, White (G), Beers, White (L), and Clark (W):

H. 625. To create the Alabama Indian Affairs Commission; to provide for its duties and membership; to provide the method of appointment and compensation of said members; and to repeal Sections 41-9-700 through 41-9-707, Code of Alabama 1975.

Committee on Public Welfare.

By Reps. Turner and Onderdonk:

H. 626. To amend Code of Alabama 1975, Section 40-20-2, so as to provide for an exemption for certain uses of natural gas from the Privilege Tax on Production.

Committee on Ways and Means.

By Reps. Turner and Onderdonk:

H. 627. To amend Code of Alabama 1975, Section 9-17-25, so as to provide for an exemption for certain uses of natural gas from the Conservation and Production Tax.

Committee on Ways and Means.

By Reps. Campbell, Marietta, Onderdonk, Kvalheim, Laird, Brooks, Mathis, Fuller, Tanner, and Buskey (James):

H. 628. To provide that the filing of any notice, petition, appeal, motion or other form which is required to be filed with any state agency or department may be mailed by certified or registered mail, and provides for a retroactive effective date.

Committee on Judiciary.

By Reps. Dutton and Grouby:

H. 629. To provide for a guaranteed minimum starting wage or salary for all county law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Committee on State Administration.

By Reps. Grouby, Turnham, Warren, Holmes, Turner, Kvalheim, Gaston, Box, Kennedy, Penry, McMillan, Browder, Adams, Mitchell, Brakefield, Trammell, Boles, Gray, Seibels, Rogers, and Mikell:

H. 630. To make a supplemental appropriation to the Ethics Commission from the State General Fund for the fiscal year ending September 30, 1984.

Committee on Ways and Means.

By Rep. Biddle:

H. 631. To amend Sections 25-9-84, 25-9-88 and 25-9-171, Code of Alabama 1975, relating to coal mine safety, so as to provide further regulations regarding mine ventilation and mine electrical equipment.

Committee on State Administration.

By Rep. Dutton (With Notice and Proof):

H. 632. Relating to Lawrence County; to provide further for the salary, expense allowance and transportation both in and out of Lawrence County of the Superintendent of Education of Lawrence County; and to provide that the provisions of this Act shall become effective upon the beginning of the next term of said office.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 632, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Pratt (With Notice and Proof):

H. 633. Relating to the Tenth Judicial Circuit, Bessemer Division; effective upon the expiration of the present term of office, the elected deputy district attorney shall serve a six year term of office.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 633, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Burke, Payne, Richardson, Lindsey, and Hall:

H. 634. To amend Section 1-2-16, Code of Alabama 1975, which section provides for the official state song, so as to provide that the song "My Home's in Alabama," written by native Alabamians Randy Owen And Teddy Gentry of the musical group "Alabama," be designated the official state song.

Committee on State Administration.

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 635. Relating to Walker County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment, supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the Walker County legislative delegation.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 635, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

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By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 636. Relating to Walker County; providing an additional expense allowance for the coroner.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 636, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 637. Establishing the powers and authority of district attorney's investigators of the fourteenth judicial circuit of Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 637, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Crow, Campbell, and Browder:

H. 638. To amend Section 41-16-50, Code of Alabama 1975, which provides for competitive bidding on contracts of certain state and local agencies, so as to increase the amount of the contract requiring said bidding.

Committee on State Administration.

By Rep. Butler:

H. 639. To re-open the Teachers' and Employees' Retirement Systems of Alabama for non-membership service and certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama; and to provide that this act shall take effect June 1, 1984, and to provide for its termination.

Committee on Ways and Means.

By Rep. Butler:

H. 640. To amend Section 11-46-69 of the Code of Alabama 1975, relating to procedure for contesting certain municipal elections, so as to provide further for such procedure by allowing a municipal governing body to provide by resolution for a recount in such contested elections.

Committee on Local Government.

By Rep. Butler:

H. 641. To provide for the divestment, dissolution, revocation or forfeiture to the state of Alabama of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise which was derived directly or indirectly from a pattern of drug activity and

the procedure used for such divestment, dissolution, revocation or forfeiture.

Committee on Judiciary.

By Reps. Blake, Browder, Trammell, Cosby, Richardson, Bowling, Warren, Buskey (James), Clark (W), White (F), Lauderdale, Crow, Junkins, Smith, Nicholson, Goodwin, Gray, Spratt, Boles, Moore, Pratt, Thomas, Mitchell, Grouby, Grimsley, Seibels, and Coleman:

H. 642. Providing for non-profit organizations in the State to purchase goods and services through the Purchases and Stores Division of the Department of Finance, upon request and purchase products and services offered by the Correctional Industries Division of the Department of Corrections.

Committee on State Administration.

By Rep. Blake (With Notice and Proof):

H. 643. Relating to St. Clair County; providing for the filing for record and the preservation of all orders and decrees made and entered by any judge of the circuit court in St. Clair County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 643, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Starr:

H. 644. To exempt the lodges of the Fraternal and Protective Order of Elks from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Blakeney and Faulk:

H. 645. To amend Section 22-2-8, Code of Alabama, 1975, as amended, which relates to the qualifications of the state health officer so as to provide certain qualifications for the state health officer, assistant state health officers, area health officers, district health officers, county health officers and medical supervisors for counties of this state.

Committee on Health.

By Rep. Smith:

H. 646. To amend Section 36-27-23 of the Code of Alabama 1975, relating to the general administration and proper operation of the retirement system of Alabama, so as to increase the number of members of the board of control of such system, and to provide for the election, qualifications and terms of office of the added member.

Committee on State Administration.

By Rep. Mitchell:

H. 647. To further amend Section 11-54-120, Code of Alabama, 1975, respecting Industrial Development Boards to include as an Ancillary Facil-

ity, facilities which shall be suitable for use by any non-profit civic organization one of the purposes or objects of which is the promotion of participation by the public in public service affairs.

Committee on Local Government.

By Rep. Starkey:

H. 648. To amend sections 32-5A-191 and 32-5A-195, Code of Alabama 1975, relating to offenses and penalties for driving under the influence and suspension of drivers licenses, so as to provide that judges in DUI cases shall have discretionary authority to issue a restrictive drivers license for limited driving purposes to persons upon a first conviction of driving under the influence of alcohol or controlled substances and to persons arrested for driving under the influence of alcohol or controlled substances pending trial.

Committee on Judiciary.

By Reps. Hooper, McKee, McMillan, Sasser, Brooks, Kvalheim, Harper, Gaston, Gray, Cosby, Grouby, Johnson (R.G.), Fuller, Bachus, White (G), Beers, Poole, and Blakeney:

H. 649. To propose an Amendment to the Constitution of Alabama to provide that the people may propose the repeal and enactment of laws by an initiative referendum.

Committee on Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Reps. Hooper, Starr, Bachus, Beers, Gaston, and Kvalheim:

H. 650. To amend Section 17-10-5, Code of Alabama 1975, so as to require absentee ballots to be furnished within a certain time period and to require the probate judge to furnish the voting list to the absentee election manager within a certain time period.

Committee on Constitution and Elections.

By Rep. Zoghby:

H. 651. To provide for the licensure and regulation of any person, partnership, association or corporation engaged in servicing, recharging, repairing, testing, inspecting or installing fire extinguishers and fire systems; to prescribe further duties and powers of the State Fire Marshal; to authorize the State Fire Marshal to promulgate rules and regulations for the administration of this act; to provide that moneys collected pursuant to this act shall be deposited in the State Fire Marshal's Fund; to authorize the State Fire Marshal to expend funds from the State Fire Marshal's Fund for the administration and enforcement of this act; to prescribe license fees pursuant to this act; and to prescribe penalties for violation of the act.

Committee on Ways and Means.

By Rep. Pratt:

H. 652. To authorize the Alabama Public Service Commission to promulgate and enforce rules and regulations promoting the welfare and health of certain employees of railroads.

Committee on Public Utilities and Transportation.

By Rep. Turnham:

H. 653. To establish the Alabama Advisory Council on Children and Youth; to prescribe the purpose, authority, powers, and duties of such Council; to place certain duties relative to identifying, promoting, and assisting in securing services in behalf of children and youth; to provide an information clearinghouse relating to children and youth; to serve as coordinating agency among those agencies dealing with children and youth; and to provide for an appropriation for said Council.

Committee on Ways and Means.

By Reps. Parker and Beers:

H. 654. To require county and municipal boards of education to adopt policies which prohibit the use of tobacco products by students in schools or school facilities or on school grounds.

Committee on Education.

By Rep. Turner (With Notice and Proof):

H. 655. Relating to Mobile County; exempting all real and personal property owned and used by the Mobile Area Chamber of Commerce Foundation, Incorporated, from county ad valorem taxation.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 655, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner:

H. 656. To amend Section 40-20-8 (c), Code of Alabama 1975, as last amended, relating to the allocation and distribution of taxes from oil and gas production, so as to provide further for the distribution of taxes collected within the jurisdiction of municipalities.

Committee on Ways and Means.

By Rep. Harvey:

H. 657. To amend Section 6-10-126, Code of Alabama 1975, which provides for exemption of certain personal property from levy of an execution or attachment.

Committee on Banking.

By Rep. Harvey (With Notice and Proof):

H. 658. Relating to Blount County; to repeal Act No. 214, H. 635, Regular Session 1976 (Acts 1976, p. 229), entitled "To permit hunting of deer with dogs in all counties having a population of not less than 26,725 nor more than 27,250 according to the most recent or any subsequent federal decennial census."

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 658, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Junkins, Newman, Coleman, Nicholson, Sasser, Browder, Venable, and Lauderdale:

H. 659. To provide for the crime of library theft; to authorize, under certain circumstances, library employees or agents to detain suspected offenders if such detention is based on probable cause; to provide criminal and civil immunity for such library personnel for detentions and resulting arrests authorized under this act; to authorize arrest for the offense by law enforcement officers, without a warrant and upon probable cause; to provide a misdemeanor penalty for the offense which shall be cumulative to existing theft penalties of this state; and to require public and conspicuous display of the provisions of this act in libraries and other institutions covered by this act.

Committee on Ways and Means.

By Rep. Bowling:

H. 660. To exempt certain articles and items used by handicapped persons from the payment of all state, county and municipal sales or use taxes.

Committee on Ways and Means.

By Rep. Bowling:

H. 661. To amend Section 32-5A-245, Code of Alabama 1975, which relates to the requirement that operators and passengers of motorcycles must wear shoes and helmets, so as to limit the helmet requirement to those under the age of 21 years.

Committee on Highway Safety.

By Rep. Mathis (With Notice and Proof):

H. 662. An Act relating to Geneva County providing that the Geneva County governing body shall supplement the salary of the District Judge from the County General Fund in the amount of \$3,600.00 per annum.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 662, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Bowling:

H. 663. To amend Section 16-3-1, Code of Alabama 1975, relating to the composition, election and term of office of members of the state board of education, so as to provide further for such election, based on the 1980 census.

Committee on Education.

By Rep. White (F) (With Notice and Proof):

H. 664. Relating to Escambia County; to provide that Four Million Dollars (\$4,000,000.00) of the proceeds of the oil and gas severance tax paid to Escambia County, Alabama under provisions of Section 40-20-8, Code of Alabama, 1975, as amended, during the fiscal year 1983-84 together with twenty percent (20%) of the annual income thereon each year thereafter beginning with the fiscal year 1984-85 shall become the corpus of a trust and remain the corpus of said trust for a period of twenty years; to provide for the appointment of trustees of the trust; to provide for the investment of the corpus of the trust for the payment of eighty percent (80%) of the investment income thereon into the general fund of Escambia County; and to provide that the provisions of this Act shall terminate twenty years from the date of its enactment.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 664, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Seibels, Gray, White (G), Horn, Davis, Escott, Rogers, McNair, and Perdue (With Notice and Proof):

H. 665. Relating to counties having populations of not less than 600,000 inhabitants according to the last or any subsequent federal census; to authorize and provide for additional funds for maintenance and operation of the County Civil Defense Agency, hereafter to be named the Emergency Management Agency, including any 911 Emergency Reporting System operated under its supervision, such funds not to exceed for any year a stated percentage of non-school ad valorem taxes collected by the county for the county and the municipalities situated therein unless any increase be approved by an Emergency Management Budget Committee to be appointed hereunder; to provide for an annual emergency management budget to be adopted by the county governing body; to provide a formula based on population for determining the amounts to be paid from the general funds of the county and of each municipality located therein; to limit population data used in such formula with respect to municipal population situated in other counties, and in situations where municipalities operate state-recognized separate emergency management agencies, or which are unable to participate in any 911 Emergency Reporting System; to provide for the withholding of required contribution by the county tax collector and the payment thereof to the County Emergency Management Treasurer and making the amounts due priority claims to the extent not withheld by the county tax collector; to permit the county governing body to fund the County Emergency Management Agency without, or with reduced, municipal contributions; to repeal all conflicting statutes; to make provisions of the act severable; and to provide for the effective date hereof.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 665, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Carter:

H. 666. To amend the "Alabama Environmental Management Act," the "Alabama Air Pollution Control Act of 1971," as amended, and the "Alabama Safe Drinking Water Act of 1977," as amended, specifically amending sections 22-22A-5, and 22-23-39, Code of Alabama 1975, as amended, and repealing sections 22-28-17(g) and 22-25-10, Code of Alabama 1975, as amended, so as to authorize the Alabama Department of Environmental Management (ADEM) to establish procedures for the collection of fees from applicants for permits, licenses, certifications or variances, such fees to be based on the reasonable anticipated cost to ADEM of the examination and processing of applications, plans, specifications or other data, investigations and public hearings for the issuance, reissuance, modification or denial of any permit, license, reissuance, modification or denial of any permit, license, certification or variance; to authorize ADEM to recover from a violator the actual costs reasonably incurred by ADEM to prevent, minimize or abate any adverse effect on air, land or water resources which results or may result from a violation of a law, rule or regulation, or a permit, certification or variance issued by ADEM; and to require the suppliers of drinking water to reimburse ADEM for the cost of bacteriological, sanitary and/or chemical analysis required to be performed under the "Alabama Safe Drinking Water Act of 1977."

Committee on Natural Resources.

By Reps. Carter and Butler:

H. 667. To amend Section 36-29-10 of the Code of Alabama 1975, which provides for the election of retired state employees to continue coverage under the state employees group insurance plan, so as to provide further for such insurance coverage.

Committee on Ways and Means.

By Rep. Campbell:

H. 668. To provide for one additional circuit judgeship each for the 11th, 13th, 15th and 28th judicial circuits of Alabama; to provide for four additional circuit judgeships for the 19th judicial circuit; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judges; to increase the number of circuit judges in each of these judicial circuits by amending Section 12-17-20, Code of Alabama 1975; to provide for the designation of these additional judgeships to particular divisions of the respective circuit courts; to provide for the initial appointment by the Governor of judges to fill these positions beginning October 1, 1984; to provide for the subsequent election of judges to fill these positions; to provide an appropriation to the Unified Judicial System to fund said judgeships; to repeal Acts 82-546 and 82-676; and, to provide an effective date.

Committee on Ways and Means.

By Rep. Laird:

H. 669. To empower any city or town in this State to acquire, improve and equip land, buildings and other facilities for use by the United States Postal Service; to provide for the financing of costs of such acquisition, improvement and equipment, either as the sole purpose of such financing or combined with any other lawful purpose or purposes; and to provide

for the leasing of such land, buildings and facilities to the United States Postal Service.

Committee on Local Government.

By Reps. Browder, Drake, Brakefield, Turnham, Grouby, Crow, Smith, Butler, Campbell, Martin, Richardson, Flowers, Preuitt, White (G), Beers, Bachus, Bowling, Blake, Kennedy, Davis, Mathis, Tanner, Parker, Junkins, Holley, Clark (D), Mitchell, Newman, Nicholson, Clark (J), Ford, Coleman, Bugg, Johnson (R.G.), Lauderdale, Biddle, Trammell, Johnson (Roy), Lindsey, Clark (W), Zoghby, Bryant, White (L), Blakeney, Poole, Starkey, Goodwin, Hettinger, Albright, Harvey, McDowell, Pratt, Spratt, Gray, Carothers, Perdue, Burke, Thomas, Melton, Grimsley, Warren, and Onderdonk:

H. 670. Relating to educational reform: providing for a comprehensive plan for improving instruction in science, mathematics, computer education and other designated critical areas; providing for a scholarship loan program to attract able students into the teaching profession in subjects of mathematics, science, computer education and other critical areas; providing a program for certified teachers to add to their certificate mathematics, science, computer education and other critical areas; providing a program whereby provisionally certified persons with extensive preparation in mathematics, science and computer education may serve as an emergency source of teachers; providing rigorous in-service training for public school personnel; amending Sections 16-23-18, 16-23-20, 16-23-21 and 16-23-23, Code of Alabama 1975, and repealing Section 16-23-19, Code of Alabama 1975 are relating to emergency secondary education scholarships, so as to transfer authority for the administration of the scholarships from the state board of education to the Alabama commission on higher education; creating and providing for the governor's educational reform commission; and providing for appropriations to carry out the provisions of this act.

Committee on Ways and Means.

By Reps. Buskey (James), Box, and Marietta (With Notice and Proof):

H. 671. Relating to Mobile County; to amend Sections 1, 2, 3, 4, 5, 6, 9, 10, 13, 15, 16 and 18 of Act No. 2431, H. 2569 Regular Session 1971 (acts 1971, p. 3880 et. seq.) as amended, which relates to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; to provide for and create a County Racing Commission for the regulation, licensing and supervision of dog racing and wagering thereon, etc., so as to provide further for the appointment, qualifications, terms and compensation of members of the racing commission and to provide for a maximum amount of time prior to expiration of a term that a racing commissioner may be appointed; to provide further for the duties and responsibilities of the treasurer of the racing commission; to provide further for the compensation of counsel for the racing commission; to provide further for the duty of racing commission to make certain annual reports; to provide further for age requirements of certain employees; to provide further for the issuance of permits or licenses; to provide for additional withholding from pari-mutuel pools in certain instances and to provide for the use thereof; to provide for additional pari-mutuel betting; and to provide for distribution of outstanding unredeemed mutuel tickets.

Committee on Ways and Means.

**REGULAR SESSION
13th Day**

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I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 671, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Escott (With Notice and Proof):

H. 672. To amend Article VII of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the Board of Managers of the City of Birmingham Retirement and Relief System so as to provide that participant's loans shall be repaid in a period of forty-eight (48) months or less from the date of such loan and to provide that interest be charged on such loans in such amount as may be determined in the discretion of the Board, but not less than seven (7) percent per annum.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 672, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Escott (With Notice and Proof):

H. 673. To amend Article III, Session 9 of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), as amended by Act No. 791, H. 801, 1975 Regular Session (Acts 1975, p. 1585), said section relating to investment of the fund established for a retirement and relief system for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census as established originally by Act No. 929, S. 676, 1951 Regular Session (Acts 1951, p. 1579), as amended, said Article III, Section 9 to be amended in full to provide that the Board of Managers of any such fund shall also have authority to approve investments of the fund after their making by the designee of the Board, to provide that investments of the fund in bonds and stocks of private corporations shall not exceed seventy-five percent (75%) of the funds available for investment, and, to provide that investments in stocks of private corporations shall not exceed fifty percent (50%) of the funds available for investment.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 673, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Penry and McMillan:

H. J. R. 159. HONORING MELVIN ROBERTS ON HIS RETIREMENT FOLLOWING 31 YEARS OF SERVICE TO THE CITY OF FOLEY, ALABAMA.

WHEREAS, Melvin Roberts has served the City of Foley, both as an employee and as a prominent civic volunteer, serving above and beyond the call of duty in many areas; and

WHEREAS, Mr. Roberts is a family man; married to the former Eunice Wilson and the father of one son, Paul, and one daughter, Patricia, and the proud grandfather of four grandchildren and one great grandchild; and

WHEREAS, Mr. Roberts began working for the City of Foley in 1953 and worked with the Police Department approximately 15 years; and

WHEREAS, he has served under four mayors, seven park commissioners and four city clerks and has made outstanding contributions to the citizens and the youth of the area through many athletic programs. He has served as scoutmaster, and organized the first Tiny Mite Football team. Under his supervision and leadership landscaping and beautification of the city complex and athletic parks has been accomplished, and the city now has 6 lighted ball diamonds, 8 lighted tennis courts and 2 lighted pools; and

WHEREAS, in 1980 the Girls Softball State Tournament and in 1982 the Girls Softball World Series were held in Foley; and

WHEREAS, Mr. Roberts has a lifetime membership in P.T.A. and is presently president of the United Methodist Church's Men's Club where they are active members; and

WHEREAS, he has attended Tulane Medical Center; and courses at the Red Cross; Playground Workshop at the University of Alabama; Health Department, Medical Self Help Training Program; and Jaycees Physical Fitness Leadership; and has been active in Baldwin County as an Emergency Medical Technician; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our appreciation to Mr. Melvin Roberts for his many years of dedicated service to the citizens of Foley, Alabama, and

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Roberts.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 159, was adopted.

Also:

By Rep. Laird:

H. J. R. 160. COMMENDING THE STUDENT GOVERNMENT ASSOCIATION OF SOUTHERN UNION STATE JUNIOR COLLEGE, WADLEY.

WHEREAS on March 2, 1984, a statewide conference of Student Government Association delegates was convened on the campus of Southern Union State Junior College, with eleven two-year colleges participating; and

WHEREAS, these delegates reviewed a proposed constitution for action by the Alabama Confederation of Junior, Technical, and Community College Student Government Associations at its Spring Meeting; and

WHEREAS, the Southern Union SGA, under the leadership of president Kevin Long, vice president Lisa Mask, secretary-treasurer Frances Richardson and sponsor, Mrs. Susan Elliott, hosted this statewide confer-

ence in an effort to strengthen the organization and the representative institutions; and

WHEREAS, Student Government Association organizations are dedicated to maintaining high standards of quality, excellence, and good citizenship, which reflects favorably on the members and the institutions; and

WHEREAS, it is the desire of the Legislature to recognize the Southern Union Student Government Association for its leadership role in hosting this statewide conference and all members of State two-year-college SGA associations for their commitment to excellence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Southern Union State Junior College in Wadley and the SGAs of all State two-year colleges for their assistance in improving the quality and relevance of programs, their enhancement of meaningful college experiences, and the leadership role they play on their respective campuses.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Southern Union State Junior College's Student Government Association.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 160, was adopted.

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Payne offered the motion to reconsider the vote by which the bill, H. 13 as amended by the Senate amendment was passed, and on motion of Rep. Rogers, the motion to reconsider was tabled.

Yeas 43; Nays 29.

Yeas:

Reps.: Albright, Bachus, Biddle, Black, Boles, Bowling, Bryant, Buskey (James), Buskey (John), Carothers, Clark (J), Clark (W), Coleman, Davis, Escott, Flowers, Ford, Gray, Grayson, Holmes, Horn, Johnson (R.G.), Junkins, Kennedy, McDowell, McMillan, McNair, Melton, Newman, Onderdonk, Penry, Perdue, Pratt, Preuitt, Rogers, Seibels, Spratt, Starkey, Thomas, Trammell, White (G), White (L) and Zoghby.

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Nays:

Reps.: Adams, Beers, Box, Britnell, Brooks, Butler, Faulk, Gaston, Grouby, Harper, Harvey, Hettinger, Holley, Hooper, McKee, Marietta, Mathis, Mikell, Parker, Payne, Poole, Rains, Rice, Sasser, Smith, Starr, Turnham, Warren and White (F).

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RESOLUTIONS

The following resolutions were introduced:

By Rep. White (L):

H. J. R. 161. DESIGNATING THE WEEK OF JUNE 3RD THROUGH 9TH, 1984, AS "ALABAMA RECYCLING WEEK."

WHEREAS, manufacturing plants and maintenance facilities in the State of Alabama annually produce and dispose of hundreds of thousands of tons of scrap metal; and

WHEREAS, without an established Metallic Scrap Processing Industry in Alabama, these metallic discards would be added to the solid waste stream, littering the landscape and filling Alabama landfills; and

WHEREAS, in addition to reducing litter, every ton of ferrous scrap recycled by the Metallic Scrap Processing Industry within the State of Alabama conserves one and one-half tons of iron ore and one-third of a ton of coal or coke which are irreplaceable natural resources; and

WHEREAS, the Metallic Scrap Processing Industry provides employment to over one thousand Alabamians and annually pumps millions of dollars into the State's economy; and

WHEREAS, the Alabama Recycling Association was organized for the purpose of encouraging recycling, reducing litter and conserving energy and natural resources; and

WHEREAS, the Alabama Recycling Association also is involved in Environmental Management and Educational Programs; and

WHEREAS, the Metallic Scrap Processing Industry in Alabama is to be commended for its efforts in recycling industrial wastes, aluminum, glass and other metal items; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the week of June 3 through 9, 1984, as "Alabama Recycling Week."

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 161, was adopted.

Also:

By Rep. Kennedy:

H. J. R. 162. MOURNING THE DEATH OF MRS. PEARL WILLIAMS BOADLEY OF MOBILE, ALABAMA.

WHEREAS, in deep grievous sentiment, the Legislature of Alabama records the death of Mrs. Pearl Williams Boadley of Mobile, Alabama, on December 24, 1983; and

WHEREAS, Mrs. Boadley, though a native of Finchburg, Alabama, had been a resident of Mobile for 79 years at her death; and

WHEREAS, confessing Christ in early youth, Mrs. Boadley joined the Bethel A.M.E. Church during the pastorate of the Reverend Hunter, remaining faithful both in attendance and in service until forced by physical disabilities to worship and serve, instead, within her mind and always in her heart; and

WHEREAS, Miss Pearl, as she was widely and affectionately known, was indeed "... a noble mother and grandmother, loved by all she knew ... she loved and served her Master, and tried his will to do"; and

WHEREAS, Mrs. Boadley, who is survived by a beloved son, Mr. James J. Johnson, also leaves to mourn: two grandchildren, Mrs. Audrey P. Farwell and Mr. James A. Johnson; an adopted son, Mr. John Drew; and other family members whose sorrow we truly share; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of Mrs. Pearl Williams Boadley of Mobile, Alabama, and direct that a copy of this resolution be provided for her family, in expression of our concern for them during their time of such great loss.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 162, was adopted.

Also:

By Reps. Coleman and Rains:

H. J. R. 163. COMMENDING MR. WAYNE WASHAM, DIRECTOR OF THE ARAB HIGH SCHOOL BAND.

WHEREAS, the Alabama Legislature notes with highest commendation the many outstanding accomplishments of Mr. Wayne Washam during his 25-year tenure as director of the Arab High School Band; and

WHEREAS, Mr. Washam, who is a native of Albertville, Alabama, and a graduate of Albertville High School, also is a graduate of Jacksonville State University with the B.S. degree; he additionally holds the Master's degree and AA certification from the University of Alabama; and

WHEREAS, during his tenure at Arab High School, Mr. Washam has served variously as band teacher, beginners through high school, as a history teacher and, since 1972, as assistant principal in addition to his position as band director; and

WHEREAS, since 1959, the Arab band program has grown from a small total of just 60 students to the current more than 500 participants and the band, under Mr. Washam's leadership has received numerous awards, including the "Most Entertaining Band" award, on three occasions at the Mid-South Marching Festival in Gadsden, Alabama; and

WHEREAS, the Arab High School Band also has participated in two gubernatorial inaugural parades and has appeared in concerts, exhibitions, competitions and on invitational occasions throughout the Southeast, receiving multiple excellent and superior ratings and awards; and

WHEREAS, Mr. Washam, who is active in the affairs of the Arab First United Methodist Church where he serves on the Administrative Board, was the recipient of the Arab Chamber of Commerce first "Outstanding Citizen" award in 1976 and additionally was a nominee for the Jaycees' "Outstanding Young Educator for Alabama" award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Band Director Wayne Washam for outstanding contributions to the Arab High School band program and for notable professional achievement.

BE IT FURTHER RESOLVED, That in token of our sincere praise and regard, a copy of this resolution shall be forwarded to Mr. Washam.

On motion of Rep. Coleman, the rules were suspended and the resolution, H. J. R. 163, was adopted.

Also:

By Rep. Bowling:

H. J. R. 164. EXTENDING THE LIFE AND REPORTING DATE

OF THE LEGISLATIVE JOINT INTERIM COMMITTEE TO STUDY VOCATIONAL EDUCATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the life and reporting date of The Legislative Joint Interim Committee To Study Vocational Education created by Act 83-251, H. J. R. 8, 1983 Regular Session (Acts of 1983, p. 430), are hereby extended to the 10th legislative day of the 1985 Regular Session. As of the 10th legislative day of the 1985 Regular Session, said committee shall be abolished.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 164, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. White (G):

H. R. 165. COMMENDING THE HOMEWOOD CITY BOARD OF EDUCATION AND THE HOMEWOOD CITY SCHOOL SYSTEM.

Also:

By Rep. Melton:

H. R. 166. COMMENDING SISTER ODESSA WARRICK FOR OUTSTANDING SERVICE TO HER STATE AND COMMUNITY.

Also:

The following resolutions were introduced:

By Reps. Bugg, Ford, Junkins and Rains:

H. J. R. 167. MOURNING THE DEATH OF JUDGE WILEY HICKMAN OF GADSDEN, ALABAMA.

WHEREAS, the Legislature of Alabama, in deep sorrow and regret, notes the death of Judge Wiley Hickman of Gadsden, Alabama, on January 3, 1984, at the age of 66 years; and

WHEREAS, Judge Hickman, though a native of Jefferson County, had been a resident of Gadsden since 1939 and, at the time of his death, was serving in his 31st year as Probate Judge of Etowah County; his was the longest tenure of any person ever elected to the post, evidencing the extraordinary trust and regard in which he was held by the citizens of Etowah County; and

WHEREAS, Judge Hickman, who was a past president of the Alabama Judge of Probate Association, also played an active role in authoring the present Canons of Judicial Ethics; he further was active in the affairs of the First Baptist Church where he was a Bible class teacher for some 24 years; and

WHEREAS, he also was widely renowned as one of our State's most loyal Democrats, having served as Alabama's National Democratic Committeeman from 1981 through 1983 and as a member of the State Democratic Executive Committee for 18 years; and

WHEREAS, Judge Wiley Hickman was indeed a beloved member of

his community whose positive influence in many areas transcended local bounds to a position of statewide and even national prominence; and

WHEREAS, Judge Hickman's sense of humor and keen wit were qualities which endeared him to all, placing him in great demand as a public speaker and, furthermore, earning him the honor of being named State Grand Orator, Alabama Blue Lodge Masons, in 1968; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deeply shared sorrow with his family and many, many friends, we grievously mourn the death of Judge Wiley Hickman of Gadsden, Alabama, an exemplary public servant and a truly distinguished Alabamian.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for his beloved wife, Mrs. Doris Hickman, for his son and daughter, and other family members that they may know of our sadness and deep regret in the loss to us all of Judge Wiley Hickman.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 167, was adopted.

Also:

By Reps. Rains and Coleman:

H. J. R. 168. COMMENDING MR. LOWELL GALLOWAY, PROMINENT ALBERTVILLE, ALABAMA, BANKER.

WHEREAS, Mr. Lowell Galloway, who recently joined Albertville National Bank as vice president and loan officer, is a prominent area banker who previously worked for finance and banking institutions in Georgia, and with Albertville Central Bank immediately prior to his current association; and

WHEREAS, Mr. Galloway, a Geraldine native and a graduate of Geraldine High School, also is a graduate of Auburn University and attended a number of banking schools and seminars; he holds basic and standard certificates from the American Institute of Banking and is a 1981 inclusion in Outstanding Young Men of America; and

WHEREAS, he is a member of several professional organizations, including Young Bankers Association and the American Institute of Banking, and is associated as well with such civic and community organizations as the Albertville Rotary Club, Auburn Alumni Association and the First Baptist Church in Albertville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Lowell Galloway of Albertville, Alabama for outstanding professional achievement and community involvement.

BE IT FURTHER RESOLVED, That in token of our sincere regard, a copy of this resolution shall be forwarded to Mr. Galloway.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 168, was adopted.

Also:

By Reps. Rains, Coleman, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler,

Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuit, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby;

H. J. R. 169. COMMENDING FORMER REPRESENTATIVE PHIL KELLEY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, Mr. Phil Kelley of Guntersville served the State of Alabama as Representative from House District 26 from 1974 to 1982; and

WHEREAS, Representative Kelley's legislative tenure was marked in its accomplishment, and his abilities were recognized through assignment to such important committees as State Administration which he chaired, Conservation, Commerce and Transportation and Local Legislation Number One; and

WHEREAS, Mr. Kelley, among other singular achievements, is to be commended for his active and instrumental role in the passage of the Housing Finance Authority Act of the 1980 Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express deep gratitude to Representative Phil Kelley for outstanding service to both House District 26 and Marshall County, and to the entire State of Alabama as well,

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to our distinguished former colleague, Representative Phil Kelley, in small token of our sincere appreciation and regard.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 169, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 170. CONGRATULATING MR. AND MRS. A. D. WALKER ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 171. CONGRATULATING MR. AND MRS. JAMES FLOYD ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 172. COMMENDING MRS. EVELYN M. LAMBERT.

Also:

The following resolutions were introduced:

By Reps. Smith and Starr:

H. J. R. 173. MOURNING THE DEATH OF MRS. FRANCES ELIZABETH LITTLE OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama grievously notes the untimely death of Mrs. Frances Elizabeth Little of Montgomery, Alabama, on March 24, 1984, at the early age of just 49 years; and

WHEREAS, Mrs. Little was a longtime and exemplary employee of the State of Alabama; at the time of her death, she was serving as administrative assistant to the director of the State Budget Office, her department of employment for the past 30 years; and

WHEREAS, in both length of service and in highest capability, Mrs. Little was accepted by her peers and co-workers as dean of that office, and through close association and service to this Legislature, became our personal friend and one whose friendship we valued most highly; and

WHEREAS, Mrs. Little is survived by her beloved husband, Mr. Elgin Little; her son, David, to whom she was devoted; a sister and three brothers; and other family members whose sorrow we deeply share; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Frances Elizabeth Little of Montgomery, Alabama, and direct that her family receive copies of this resolution, expressing our deep sorrow in their loss and the personal grief that also is ours.

On motion of Rep. Smith, the rules were suspended and the resolution, H. J. R. 173, was adopted.

Also:

By Rep. Smith:

H. J. R. 174. COMMENDING JEMISON HIGH SCHOOL'S GIRLS BASKETBALL TEAM, RUNNER-UP FOR THE STATE 2-A CHAMPIONSHIP.

WHEREAS, the Alabama Legislature most highly commends and extends heartiest congratulations to the Lady Panthers of Jemison High School on their outstanding 1983-84 basketball season; and

WHEREAS, under the direction and leadership of Head Coach Rhonda Jones, the Lady Panthers—Stephanie Bowling, Jada Ellison, Leighsa Robinson, Susan Smith, Veronica Oliver, Tami Oliver, Vicki Lee, Ginger Cost and Tshiluba Thomas—ended their regular season schedule with a fantastic 17-3 record, finishing 22-4, overall, following regional and state competition; and

WHEREAS, as Area 7 Champions, Jemison beat Holy Family 74-36, and Chelsea, 72-41, to claim the Region 4 Title and the Lady Panthers then downed Saint Clair 69-48; and

WHEREAS, in the intra-regional quarter finals, Coach Jones' Cagers beat Autaugaville by a score of 53 to 42, and won the semi-finals against Dale County, 55-37, before losing to the Winfield 2-A Champions in the State finals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Rhonda Jones and her Jemison High School Lady Panthers on their spectacular 1983-84 basketball season.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Coach and team with a copy also provided for appropriate display at Jemison High School.

On motion of Rep. Smith, the rules were suspended and the resolution, H. J. R. 174, was adopted.

Also:

By Rep. Hooper:

H. J. R. 175. COMMENDING MR. JOHN STOWERS, JUNIOR, OF MONTGOMERY, ALABAMA.

WHEREAS, Mr. John Stowers, Junior, though a successful Montgomery businessman, also is a prominent area civic leader who has contributed greatly in numerous areas of community concern; and

WHEREAS, Mr. Stowers, for a number of years, has been most particularly committed to promoting the Alabama Special Olympics; and

WHEREAS, it has been primarily through the dedicated efforts of Mr. Stowers and other concerned citizens that the Alabama Special Olympics has received national recognition as the outstanding program it has become for our special children; and

WHEREAS, Mr. Stowers recently served as State Swim Meet chairman for the Alabama Special Olympics, a responsibility he undertook with extraordinary patience and love for the cause, giving selflessly of the great demands required of his time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That united in commendation, we salute Mr. John Stowers, Junior, for outstanding service on behalf of the Alabama Special Olympics.

BE IT FURTHER RESOLVED, That this resolution be permanently and duly recorded and that a copy be forwarded to Mr. Stowers of Montgomery.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 175, was adopted.

Also:

By Reps. Tanner, Parker, Moore, Dutton, Preuitt, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins,

Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 176. CONGRATULATING MR. AND MRS. ORVILLE W. TANNER OF HARTSELLE, ALABAMA, ON THEIR FORTHCOMING 50TH WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama notes with pleasure the forthcoming Golden Wedding Anniversary on October 14, 1984, of Mr. and Mrs. Orville W. Tanner of Hartselle, Alabama; and

WHEREAS, Mr. Tanner and his wife, Mrs. Mabel L. Tanner were united in marriage by the Reverend Pickens on October 14, 1934, in the parsonage of Southside Baptist Church in Decatur; following the ceremony, Mr. and Mrs. Tanner, who were 24 and 21 years of age respectively, left for their wedding trip to scenic Athens, Alabama; and

WHEREAS, later moving to Hartselle, Mr. and Mrs. Tanner became the parents of four sons—Billy Charles, Orville Joe, Thomas Jeff and John F. Tanner; they also are the grandparents of seven grandchildren—Terry, Billy, Blake, Tonja, Jeff, Junior, Kristin Nichole and John F., Junior; and

WHEREAS, Mr. and Mrs. Tanner, who attend the First Baptist Church of Hartselle, have lived their lives as one and, in devotion each to the other, have remained steadfastly faithful to their marriage vows, setting an enviable example for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary Morgan County couple, Mr. and Mrs. Orville W. Tanner, and direct that they receive a copy of this resolution that they may know of our congratulations and sincere best wishes for every future happiness together.

On motion of Rep. Tanner, the rules were suspended and the resolution, H. J. R. 176, was adopted.

Also:

By Reps. Hettinger, Butler, Grayson, Brooks, Hall and Albright:

H. J. R. 177. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE CHARGERS' ICE HOCKEY ACCOMPLISHMENTS.

WHEREAS, the Legislature of Alabama expresses deep personal pride and pleasure in the outstanding accomplishments of the University of Alabama-Huntsville Chargers who are to be credited for their instrumentality in establishing ice hockey as the largest drawing indoor sport in North Alabama; and

WHEREAS, under Coach Doug Ross and Assistant Coach Rob Lindsay, the Chargers have captured their third consecutive U.S. Club Hockey National Championship Title with a 27-4-0 record and, by virtue of an 18-0-0 record, won the Central States Collegiate Hockey Association Season Championship; and

WHEREAS, this body, in praise of the Chargers, also must note that UAH provides no scholarships or financial aid whatsoever for its players

and those who have achieved on behalf of their university and through love of the sport are team members: Frank Heller, Scott Campbell, Andy Cross-ett, Dan Dorothy, Mike Finn, Randy Johnson, Jon Jones, John Buscemi, Tom O'Dwyer, Kevin Mills, Andy Gilbert, Mike Dalton, Brian Kelly, Kevin Monaco, Mark Rogers, Gentry Ellis, Drew Crow, Terry Conway, Dave Wallenstien, Brian Butcher, Will Hereford, Bob Quaile, Scott Dalton, Winston Walker, Steve Moerner, Jim Mitchell and Barry Friedman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of the University of Alabama-Huntsville Chargers for their numerous and extraordinary accomplishments; we further most heartily congratulate the team, coaches and staff and direct that copies of this resolution be forwarded to the University of Alabama-Huntsville for appropriate bestowal.

On motion of Rep. Hettinger, the rules were suspended and the resolution, H. J. R. 177, was adopted.

Also:

By Reps. Gray and Grouby:

H. R. 178. EXPRESSING THE SENSE OF THE HOUSE THAT ANY INCREASE IN COMPENSATION GRANTED BY THE LEGISLATURE FOR TEACHERS AND STATE EMPLOYEES SHOULD BE EQUAL.

WHEREAS, the Alabama House of Representatives recognizes that a salary increase for both teachers and state employees is indeed long overdue as there has been no legislative granted increase for either sector since 1982; and

WHEREAS, further, those raises which have been granted within the past few years have fallen sufficiently short of the cost-of-living increase that buying power for teachers and state employees has actually decreased; and

WHEREAS, it therefore rests upon the legislature to rectify this inequity by providing salary increases which will allow both groups, equally, to partially recover from past inflationary inroads in their pay; and

WHEREAS, this body also is of the opinion that there is no justification for a recommended higher salary increase for teachers than that recommended for state employees, the latter having received increases totaling some 17% less than teachers since 1975; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That it is the sense of this body that any increase in compensation granted by the legislature for teachers and state employees should be equal.

On motion of Rep. Gray, the rules were suspended and the resolution, H. R. 178, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Clark (J), Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 111. CREATING A LEGISLATIVE OVERSIGHT COM-

MITTEE TO MONITOR IMPLEMENTATION OF A COMPREHENSIVE PLAN ADDRESSING THE NEEDS OF THOSE SCHOOL SYSTEMS WHICH HAD LOW SUCCESS RATES ON THE ALABAMA HIGH SCHOOL GRADUATION EXAM.

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the resolution, H. J. R. 111:

CREATING A LEGISLATIVE OVERSIGHT COMMITTEE TO MONITOR IMPLEMENTATION OF A COMPREHENSIVE PLAN ADDRESSING THE NEEDS OF THOSE SCHOOL SYSTEMS WHICH HAD LOW SUCCESS RATES ON THE ALABAMA HIGH SCHOOL GRADUATION EXAM.

WHEREAS, the Alabama State Legislature provides substantial financial support for the education of the State's school children; and

WHEREAS, the State Legislature expects that these education funds will be used effectively for the maximum educational benefits of the State's school children; and

WHEREAS, public education in Alabama is the responsibility of the State of Alabama in coordination with state and local school boards; and

WHEREAS, appropriate leadership needs to be provided to give reasonable assurance that students will be given an opportunity to reach their maximum potential; and

WHEREAS, it has become apparent, based on the results of the Alabama High School Graduation Exam given during the fall of 1983, that some of the State's public school systems might wish to request help from the state Department of Education as a result of these tests. The purpose of this request being so students may receive the education to which they are entitled; and

WHEREAS, passing the Alabama High School Graduation Exam is necessary to receive a high school diploma which is a basic certificate of accomplishment necessary for further educational opportunity as well as employment opportunity; and

WHEREAS, some school systems had very low success rates in the Alabama High School Graduation Exam; and

WHEREAS, the Alabama State Legislature does express its concern over those school systems with low success rates and hereby declares that assistance is necessary; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby direct the State Board of Education, through the State Superintendent of Education and the State Department of Education, to take immediate steps to prepare a comprehensive plan for implementation in the 1984-85 school year which addresses the needs of those systems within the additional financial resources provided for the State Department of Education through the 1984-85 budget.

BE IT FURTHER RESOLVED, That the State Superintendent of Education provide additional technical assistance, training and other resources as reflected in the comprehensive plan for educational improvement.

BE IT FURTHER RESOLVED, That a Legislative Oversight Committee is hereby created, composed of five members of the House appointed by the Speaker of the House, five members of the Senate appointed by the Lt. Governor, and one member of the Governor's staff whose responsibilities will be to meet periodically to review the progress of the plan and to make reports to the full membership of the Legislature.

RESOLVED FURTHER, That upon request of the Chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, upon warrants drawn on the state comptroller upon requisitions signed by the Chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee within and without the state. All expenses for travel, per diem, salaries, benefits, clerical assistance, supplies and costs incurred as a result of this resolution shall be paid out of any funds appropriated to the legislature, in accordance with law. The expenditures of the committee shall be limited to \$7,000 per annum.

On motion of Rep. Holley, the substitute was adopted.

On motion of Rep. Holley, the resolution, H. J. R. 111 as amended, was adopted.

RESOLUTIONS

The following resolution was introduced:

By Reps. Gaston and Kvalheim:

H. J. R. 179. COMMENDING MISS PAULETTE LOUISE MCKELLAR OF MOBILE, ALABAMA, 1983 ALL-AMERICAN CHEERLEADER.

WHEREAS, the Alabama Legislature most highly commends and extends heartiest congratulations to Miss Paulette Louise McKellar of Mobile, Alabama, who has been selected by the National Cheerleader Association as an All-American Cheerleader for 1983; and

WHEREAS, Miss McKellar, the daughter of Mr. and Mrs. Paul C. McKellar and a student at Davidson High School, has also participated as a cheerleader at both the Aloha Bowl in Honolulu, Hawaii, and the Senior Bowl in Mobile; and

WHEREAS, in addition to her accomplishments as a cheerleader for the past four years, Miss McKellar has further excelled in numerous school related and extra-curricula activities; she ranks in the top 10% of her senior class and is a member of the Student Council and the National Honor Society; and

WHEREAS, Miss McKellar, four times voted Class Favorite and Miss Davidson High School for 1983-84, has been honored as well as Key Club Favorite at Davidson High; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express highest praise and commendation of Miss Paulette Louise McKellar as All-Ameri-

can Cheerleader for 1983; we further congratulate her on her numerous other accomplishments and direct that she receive a copy of this resolution in token of our esteem.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 179, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Box:

H. R. 180. CONGRATULATING MR. AND MRS. WILLIAM THOMAS BEAL OF SATSUMA, ALABAMA, ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Blakeney:

H. R. 181. CONGRATULATING MR. AND MRS. CURTIS V. STEPHENS OF GROVE HILL, ALABAMA, ON THEIR 50TH WEDDING ANNIVERSARY.

BILLS ON THIRD READING

Pursuant to Chapter 20, Code of Alabama, 1975, Section 41-20-1, the House proceeded with the consideration of the following bill relating to the Alabama Sunset Law.

And the bill:

S. 30. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Black, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (W), Coleman, Cosby, Davis, Faulk, Fuller, Gaston, Gray, Grayson, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Kennedy, Laird, Lauderdale, McDowell, McMillan, Marietta, Melton, Mikell, Onderdonk, Parker, Poole, Rains, Rogers, Sasser, Smith, Starr, Warren, White (G), White (L), Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 120. To authorize and make provision for the incorporation of Railroad Authorities as public corporation for the purpose of acquiring, constructing, equipping, improving, maintaining, developing, and operating

railroads, railroad properties and facilities, and other buildings and facilities, facilities, real and personal property used or useful and rail terminal and yard facilities, shop and repair transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities, which are being abandoned by any railroad pursuant to final ICC authority; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama, as defined, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain powers; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments of construction or purchase contracts; to provide that any county, city, town or other political sub-division, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county, city or town within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses

may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

And pending substitute offered by Rep. Albright on the eleventh legislative day, were taken up.

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Albright to the bill, S. 120, on the eleventh legislative day, and the substitute was adopted.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Brooks, Browder, Bugg, Butler, Carter, Coleman, Cosby, Davis, Faulk, Gaston, Gray, Grayson, Hammett, Harper, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Laird, McMillan, Marietta, Onderdonk, Poole, Rogers, Sasser, Smith, White (G), White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 120 as amended, was read a third time at length and passed.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Black, Box, Brooks, Browder, Bugg, Buskey (James), Butler, Carter, Clark (W), Coleman, Cosby, Davis, Faulk, Gaston, Gray, Grayson, Hammett, Harper, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, McMillan, Marietta, Melton, Mikell, Newman, Onderdonk, Penry, Poole, Rogers, Sasser, Smith, Starr, White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:25 A.M. on March 27, 1984.

H. J. R. 10

H. J. R. 40
H. J. R. 42
H. J. R. 70
H. J. R. 75
H. J. R. 76
H. J. R. 94
H. J. R. 101
H. J. R. 102
H. J. R. 105
H. J. R. 110
H. J. R. 112
H. J. R. 124
H. J. R. 127
H. J. R. 109

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 158, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, March 29, 1984.

FOURTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 29, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Al Millergren, Youth Minister, Dalraida Church of Christ, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey, (James), Buskey, (John), Butler, Campbell, Carothers, Carter, Clark, (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson

(Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirteenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the reading at length of the Journal of the House for the thirteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirteenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Buskey (James), leave of absence was granted for Rep. Kennedy.

At the request of Rep. Rogers, leave of absence was granted for Rep. McNair.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 222. This bill proposes a constitutional amendment relating to state income taxes. It increases the maximum rate of state income taxes from five percent to six percent and preserves the deductibility of federal income taxes as provided in existing law.

JIMMY CLARK,
Chairman.

And the bill, H. 222 as engrossed, was sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 233. To propose a constitutional amendment amending Article XI,

Section 214, Constitution of Alabama of 1901, providing for the levy by the State, in addition to all other taxes presently levied, of a 6 mill tax on property, and providing for certain exemptions therefrom.

JIMMY CLARK,
Chairman.

And the bill, H. 233 as engrossed, was sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 182. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, March 29, 1984, we adjourn to meet again on Tuesday, April 3, 1984, at 12:00 noon.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 182, was adopted.

BILLS ON SECOND READING

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 95. (With Substitute): To make it a misdemeanor to pick wild sea oats on the beaches of any county in which sea oats are grown.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 342. To amend further Section 15-18-72, Code of Alabama 1975, relating to defendants ordered by the court to make restitution, so as to clarify the provisions of subsection (c) of such section which specifies the time within which the court shall cause payments received to be transmitted.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 391. (With Amendments): To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§ 20-2-2, 20-2-32, 20-2-72, 20-2-80, 20-2-81, and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§ 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws;

to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 616. (With Amendment): To regulate certain activities relating to possession of and transactions in drug paraphernalia; to define certain terms relating to such paraphernalia; to make it unlawful to engage in certain activities relating to such paraphernalia; to prescribe penalties for such unlawful acts and to repeal and supercede those provisions of Chapter 2, Title 20 of the Code of Alabama which heretofore regulated "drug related objects."

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 619. To provide for "lifeline telephone service" for eligible citizens of this state and to provide for the implementation and regulation by the Alabama Public Service Commission and the Alabama Department of Pensions and Security and to provide guidelines for charges for such service.

H. 628. To provide that the filing of any notice, petition, appeal, motion or other form which is required to be filed with any state agency or department may be mailed by certified or registered mail, and provides for a retroactive effective date.

S. 12. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, aircraft, automobile, truck or watercraft and to prescribe felony punishment for such acts.

S. 84. To further amend the probate laws so as to clarify certain inconsistencies in portions of the "Probate Code" and probate laws by amending Sections 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-8-114, 43-8-132, as amended and repealing Sections 43-2-314, 43-2-317, 43-2-449, 43-2-466 as amended, of the Code of Alabama.

S. 275. To amend § 15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor; and to specify the sentences to which this Act applies; to provide what shall be the effect of any holding that such a limitation on parole is ineffective or invalid; and to specify the effective date of this Act.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 638. To amend Section 41-16-50, Code of Alabama 1975, which provides for competitive bidding on contracts of certain state and local agencies, so as to increase the amount of the contract requiring said bidding.

H. 642. Providing for non-profit organizations in the State to purchase goods and services through the Purchases and Stores Division of the Department of Finance, upon request and purchase products and services offered by the Correctional Industries Division of the Department of Corrections.

H. 646. To amend Section 36-27-23 of the Code of Alabama 1975, relating to the general administration and proper operation of the retirement system of Alabama, so as to increase the number of members of the board of control of such system, and to provide for the election, qualifications and terms of office of the added member.

H. 617. To amend Section 10-4-109, Code of Alabama 1975, relating to the regulation of rates, charges, fees and dues to be paid by the public for certain health care service plans, so as to require that payments made by such health care service plans to health care facilities shall be made based on charges rather than audited costs.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 321. To prohibit the use by any person of a high altitude decompression chamber to kill any dog or cat and to prescribe penalties for violations.

H. 586. To amend Section 22-21-260 of the Code of Alabama 1975, so as to exempt a Veterans Nursing Home operated by the Department of Veterans Affairs from definition as a health care facility.

S. 129. To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar titles; and to prescribe penalties for violations of this Act.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 624. To amend Section 9-3-12, Code of Alabama 1975, relating to the state forestry commission steering committee, so as to provide further for an increase in committee members and their appointment.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 666. (With Substitute): To amend the "Alabama Environmental Management Act," the "Alabama Air Pollution Control Act of 1971," as amended, and the "Alabama Safe Drinking Water Act of 1977," as amended, specifically amending sections 22-22A-5, and 22-23-39, Code of Alabama 1975, as amended, and repealing sections 22-28-17(g) and 22-25-10, Code of Alabama 1975, as amended, so as to authorize the Alabama Department of Environmental Management (ADEM) to establish procedures for the collection of fees from applicants for permits, licenses, certifications or variances, such fees to be based on the reasonable anticipated cost to ADEM of the examination and processing of applications, plans, specifications or other data, investigations and public hearings for the issuance, reis-

suance, modification or denial of any permit, license, certification or variance; to authorize ADEM to recover from a violator the actual costs reasonably incurred by ADEM to prevent, minimize or abate any adverse effect on air, land or water resources which results or may result from a violation of a law, rule or regulation, or a permit, certification or variance issued by ADEM; and to require the suppliers of drinking water to reimburse ADEM for the cost of bacteriological, sanitary and/or chemical analysis required to be performed under the "Alabama Safe Drinking Water Act of 1977."

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 416. (With Amendments): To protect, preserve, maintain, and enhance the scenic, recreational, and other qualities of the Cahaba River by reinforcing existing surface mining laws, solid waste laws, water pollution laws, and water quality standards in and near the river; to regulate certain alterations and impoundments of the river; to establish a management corridor along the river within which the building or establishment of transportation facilities and other man-made structures and the harvesting of timber may be performed as approved by the Commissioner of Conservation and Natural Resources; and to prescribed remedies and penalties for violation of the act.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 625. To create the Alabama Indian Affairs Commission; to provide for its duties and membership; to provide the method of appointment and compensation of said members; and to repeal Sections 41-9-700 through 41-9-707, Code of Alabama 1975.

Rep. Horn, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 650. (With Amendment): To amend Section 17-10-5, Code of Alabama 1975, so as to require absentee ballots to be furnished within a certain time period and to require the probate judge to furnish the voting list to the absentee election manager within a certain time period.

Rep. Horn Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 576. To amend Section 17-10-3, Code of Alabama 1975, relating to absentee voting, so as to permit any person who is eligible to receive a handicapped parking decal to cast an absentee vote.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 531. Relating to Etowah County, requiring the county to continue paying health insurance premiums for a certain period of time for certain employees laid off due to insufficient funds.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 569. (With Substitute): To authorize the Winston County Commission to provide protection against forest fires, insects and disease within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 597. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Gulf Shores in Baldwin County.

H. 620. Relating to Etowah County; authorizing certain county health officers or administrators to issue official death certificates, levy and collect fees therefor; and providing for the distribution of such revenues for county health purposes.

H. 622. Relating to Etowah County; authorizing certain county officials to use mechanical or facsimile devices for signatures on warrants or checks drawn on the county treasury or depository.

H. 662. An Act relating to Geneva County providing that the Geneva County governing body shall supplement the salary of the District Judge from the County General Fund in the amount of \$3,600.00 per annum.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 237. (With Substitute)(With Amendment): Relating to Mobile County; to provide further for the disposition and use of the funds received by Mobile County under the provisions of Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, providing for the levy of a privilege tax on the production of oil and gas; and to specifically repeal Act No. 870, H. 1517, Regular Session 1975 (Acts 1975, p. 1714), providing further for the disposition and use of a certain portion of the funds received by Mobile County from an oil and gas severance tax, and all other laws or parts of laws in conflict herewith.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report,

and they were severally read a second time and placed on the Calendar, to-wit:

H. 603. Relating to Mobile County; requiring the county governing body to pay from the county general fund, or any fund designated for roads or bridges, the expense of relocating certain water pipes and lines, owned by rural water or municipal water systems when outside of the municipalities' police jurisdiction, as a result of certain public roads maintenance, construction, bridge repair or replacement; and repealing conflicting laws.

H. 605. Relating to Mobile County; providing for a singular appropriation, in addition to any and all other appropriations, to the City of Mobile Reception Room Committee for furnishing the Mobile City Hall reception room, from funds received by the county for the City of Mobile, for the fiscal year ending September 30, 1984, from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 610. (With Amendment): Relating to Mobile County; providing for the compensation and payment of salary of the members of the county governing body.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 655. Relating to Mobile County; exempting all real and personal property owned and used by the Mobile Area Chamber of Commerce Foundation, Incorporated, from county ad valorem taxation.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 548. (With Amendment): Relating to Mobile County; exempting all real and personal property owned and used as community centers, ball parks and recreational facilities by nonprofit businesses and corporations from all county ad valorem taxation.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 229. (With Substitute) (With Amendment): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1985.

Rep. Coburn, Chairman of the Standing Committee on Ways and

Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 230. (With Substitute): To make appropriations for financial assistance to non-state agencies for the fiscal year ending September 30, 1985.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 388. (With Amendment): To amend Section 32-6-8, Code of Alabama 1975, which provides for the issuance of temporary instruction and learner's permits for drivers, so as to provide further for the fees for issuance.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 389. To amend Section 32-6-17, Code of Alabama 1975, which provides for reinstatement of drivers licenses after suspension or revocation, so as to provide further for the fee for reinstatement.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 294. (With Amendments): To amend Section 36-21-2, Code of Alabama 1975, to increase the subsistence allowance paid to any state law enforcement officer of the state of Alabama who is employed by the department of public safety, department of conservation and natural resources, Alabama alcoholic beverage control board, department of agriculture and industries or the transportation enforcement division of the Alabama public service commission from \$5.00 per day to \$12.50 per day.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 591. To repeal Act No. 80-90 of the 1980 Regular Session of the Alabama Legislature; to prohibit any further transfers from the state insurance fund pursuant to Act No. 80-90; and to provide for the transfer back of funds heretofore transferred from the state insurance fund pursuant to Act No. 80-90, by the State Finance Director with approval of the Governor.

H. 612. To amend Section 12-19-23, Code of Alabama 1975, to further provide for the fee to be collected in each judicial sale in any district or circuit court in this state; to provide a two dollar administrative fee for the receipt and disbursement of each payment made to the clerk of the circuit or district court or the register of the circuit court, whenever said clerk or register is required, either by order of the court or by statute to collect alimony, child support, or restitution on a periodic and continuing basis for the benefit of any individual, department or agency; to provide that the ob-

ligor of any such payment shall be responsible for the administrative fee herein created; to provide for notice to those persons responsible for said fee and to provide that said administrative fee shall be disbursed to the State general fund; to repeal Section 12-19-230 through Section 12-19-238 providing for witness fees in criminal cases; to provide for the severability of the provisions of this Act; and to provide for an effective date.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 516. (With Amendment): To provide individual taxpayers with a deduction for state income tax purposes for certain child day-care expenses identical to the credit against federal income taxes for such expenses provided by 26 USCA 44A, as amended from time to time.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 136. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1985, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 671. (With Amendment): Relating to Mobile County; to amend Sections 1, 2, 3, 4, 5, 6, 9, 10, 13, 15, 16 and 18 of Act No. 2431, H. 2569 Regular Session 1971 (acts 1971, p. 3880 et. seq.) as amended, which relates to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; to provide for and create a County Racing Commission for the regulation, licensing and supervision of dog racing and wagering thereon, etc., so as to provide further for the appointment, qualifications, terms and compensation of members of the racing commission and to provide for a maximum amount of time prior to expiration of a term that a racing commissioner may be appointed; to provide further for the duties and responsibilities of the treasurer of the racing commission; to provide further for the compensation of counsel for the racing commission; to provide further for the duty of racing commission to make certain annual reports; to provide further for age requirements of certain employees; to provide further for the issuance of permits or licenses; to provide for additional withholding from pari-mutuel pools in certain instances and to provide for the use thereof; to provide for additional pari-mutuel betting; and to provide for distribution of outstanding unredeemed mutuel tickets.

H. 670. (With Amendment): Relating to educational reform; providing for a comprehensive plan for improving instruction in science, mathematics, computer education and other designated critical areas; providing

for a scholarship loan program to attract able students into the teaching profession in subjects of mathematics, science, computer education and other critical areas; providing a program for certified teachers to add to their certificate mathematics, science, computer education and other critical areas; providing a program whereby provisionally certified persons with extensive preparation in mathematics, science and computer education may serve as an emergency source of teachers; providing rigorous in-service training for public school personnel; amending Sections 16-23-18, 16-23-20, 16-23-21 and 16-23-23, Code of Alabama 1975, and repealing Section 16-23-19, Code of Alabama 1975, all relating to emergency secondary education scholarships, so as to transfer authority for the administration of the scholarships from the state board of education to the Alabama commission on higher education; creating and providing for the governor's educational reform commission; and providing for appropriations to carry out the provisions of this act.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 13. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 municipality on the question of whether this Act will become effective in such municipality; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in any Class 1 municipality in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission; to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering by each licensed operator to the state and to the racing commission licensing such operator and to specify the methods for determining the amounts of

such fees and the schedule on which such fees shall be payable; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; in the event that a state racing commission shall be established pursuant to any act enacted before or after the effective date of this Act, to provide in such event that any municipal racing commission created under this Act and its licensees shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission for a period beginning with the effective date of this Act and continuing until the fifth anniversary of the date on which racing events shall first be conducted under the jurisdiction of such municipal racing commission; to provide that pari-mutuel wagering with respect to horse racing may not be conducted in any Class I municipality within the state unless approved at a referendum at which all of the qualified voters residing in the county or counties in which such municipality, or any part thereof, is located are permitted to cast votes; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in Class 1 municipalities.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SINGING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Richardson and Hall (With Notice and Proof):

H. 674. Relating to Jackson County; providing for an appropriation for the relief of Mr. Willie Dean Mount and providing for a retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 674, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Perdue, Escott, McDowell, Rogers, Seibels, and Spratt (With Notice and Proof):

H. 675. To relate to the City of Birmingham in Jefferson County, Alabama; to amend Sections 3.01, 3.03, 3.12 and 4.01 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, so as to provide that both the Mayor and Council shall take office on the second Tuesday in November of the year of their election; and to further provide that the first meeting of each newly elected council shall be held on the second Tuesday in November of the year of its election.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 675, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Beers:

H. 676. To provide that gun manufacturers and dealers are not financially liable in a product liability lawsuit as to firearms or ammunition as a result of misuse by consumers or criminals but may be liable when there is a clear-cut defect in design.

Committee on Judiciary.

By Rep. Turnham:

H. 677. To amend Section 38-7-2, Code of Alabama 1975, which relates to the licensing of child care facilities, so as to further define certain terms.

Committee on Ways and Means.

By Rep. Dutton (With Notice and Proof):

H. 678. To provide an annual supplemental retirement benefit to the retired district and circuit judges of the 36th Judicial Circuit, payable from the county treasury of the county comprising said circuit; to provide that

the circuit and district court judge holding office on the effective date of this act may elect to come under this act and that any circuit or district court judge hereafter elected or appointed to office shall come under its provisions as a matter of law; to provide that said participating judges shall contribute to the county treasury a portion of their county salary supplement in order to qualify for the benefits provided herein; to provide that said judges shall begin drawing the additional retirement benefits provided herein at the time they qualify for and begin receiving benefits from the state judicial retirement fund; to provide that said participating judges may elect to withdraw contributions plus interest from the county treasury should their judicial service be terminated prior to becoming eligible for the benefits provided herein, or may elect to leave said contributions with the county treasury until such time as they attain a retirement age and become eligible to receive the benefits provided herein; to provide for a return of contributions, or any remaining portion thereof, to the estate of a participating judge should such judge die prior to becoming eligible for the benefits provided herein or prior to recouping all of his contributions; and to provide an effective date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 678, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Johnson (Roy):

H. 679. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to authorize the Alabama Corrections Institution Finance Authority to lease correctional facilities to municipal corporations, public corporations, counties, the federal government and agencies of the federal government; to provide that members, officers, directors and employees of the Authority shall not be personally liable for obligations of the Authority; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to provide for the maximum maturity of bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to authorize municipal corporations, public corporations and counties to convey property to the Authority and to lease correctional facilities from the Authority; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the Authority; and to exempt all leases of the Authority from the competitive bid laws.

Committee on State Administration.

By Rep. Johnson (Roy):

H. 680. To amend Section 12-15-6, Code of Alabama 1975 so as to specifically provide that a juvenile court judge may delegate authority to perform certain judicial and quasi-judicial actions to the juvenile court referee in the absence of the juvenile court judge or at any time that the judge determines such delegation to be necessary to the efficient operation of the court and to provide an effective date.

Committee on Judiciary.

By Rep. Johnson (Roy):

H. 681. To amend Sections 36-30-1 and 36-30-20, Code of Alabama 1975, which provide for compensation for death or disability of certain law enforcement personnel, and Section 36-21-8, Code of Alabama 1975, which provides for the retention of badges and pistols upon retirement by certain law enforcement personnel, so as to include officers of the Department of Industrial Relations within these provisions.

Committee on Ways and Means.

By Rep. Hall (With Notice and Proof):

H. 682. Pertaining to Madison County; to amend Section 16(a) of Act Number 488 of the 1978 Regular Session (Acts P. 530), so as to make the Chairman of the Madison County Commission a member of the Madison County Work Release and Pre-Trial Release Commission.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 682, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Sasser, Grimsley, Hammett, Venable, Britnell, Lauderdale, Carothers, and Mathis:

H. 683. To amend Section 6 of Chapter 16 of Title 16 of the Code of Alabama, 1975, to add the Chancellor of Postsecondary Education as a member of the Alabama Public School and College Authority.

Committee on State Administration.

By Rep. Biddle:

H. 684. To amend Section 49-9-12 to add Birmingham Football Foundation, Inc., a non-profit corporation, as an organization to which its tax exemption provisions apply.

Committee on Ways and Means.

By Rep. Thomas:

H. 685. Relating to Lowndes County, Alabama, to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the pari-mutuel or certificate of method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provision of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereof; and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

Committee on Ways and Means.

By Reps. Payne, Faulk, Mikell, and Mitchell:

H. 686. To create and establish the Alabama Economic and Financial Advisory Council; to provide for the membership of such council; to pre-

scribe the terms, duties and responsibilities of the members of such council; to provide for the organization and staff of such council; to provide for the intergovernmental cooperation between the council and state agencies toward the purposes for which such council shall exist and to provide that the Governor and the Legislature shall use a certain report issued by said council as a basis for formulating the state budgets for each fiscal year.

WHEREAS, the State of Alabama today faces financial problems of unprecedented seriousness; and

WHEREAS, reputable economic forecasters have projected a continual widening of the gap between state income and expenditures in the years ahead; and

WHEREAS, there is a need for continual monitoring and analysis of our state's financial condition; and

WHEREAS, a sound and continuing knowledge and understanding of current and projected economic conditions is essential to our state's financial well-being; and

WHEREAS, Alabama is fortunate to have many citizens in both the private and public sectors who can contribute positively to the knowledge and understanding of our state's financial and economic situation; now therefore,

Committee on State Administration.

By Rep. Bowling:

H. 687. To amend Section 11-50-313, Code of Alabama 1975, so as to permit officers of a municipality to receive a fee for serving on the board of directors of certain public utilities.

Committee on Local Government.

By Rep. Starkey:

H. 688. Revising the Laws of Alabama in Title 40 of the Code of Alabama as amended, allowing corporations to elect not to pay the corporate income tax by having their shareholders taxed on all such income, deductions, etc. under rules similar to those of Subchapter S of the Internal Revenue Code, take effect for taxable years beginning after December 1, 1983.

Committee on Ways and Means.

By Reps. Sasser and Turnham:

H. 689. To provide for and authorize and establish the procedures for the incorporation of the Alabama Student Loan Authority as a public, not for profit corporation of the State; to provide for the appointment, filling of vacancies, powers, terms of office, quorum, and removal of a board of directors of the Authority; to declare the legislative policy concerning this Act and the subject matter thereof; to define certain terms used herein; to provide for the officers of the Authority and the election and removal thereof; to grant various general powers to the Authority and to specify the conditions under which such powers may be exercised; to empower the Authority to make student loans that are guaranteed or insured under Title IV of the Federal Higher Education Act of 1965, as amended (Public Law 89-239, codified as 20 U.S.C. §§ 1071, *et seq.*, as amended) and any student loan guarantee program of the State; to empower the Authority to acquire student loans that are guaranteed or insured under Title IV of the Federal

Higher Education Act of 1965, as amended (Public Law 89-239, codified as 20 U.S.C. §§ 1071, et seq., as amended); to empower the Authority to borrow money for its various corporate purposes and in evidence thereof to issue its bonds and notes and other evidences of indebtedness; to prescribe certain terms and conditions upon which the Authority may sell and issue its bonds and notes and other evidences of indebtedness; to authorize the Authority to assign and pledge its revenues, moneys or assets as security for its bonds and notes and other evidences of indebtedness; to provide that the bonds and notes and other evidences of indebtedness of the Authority shall not constitute or create a debt of the State or a charge on its credit or taxing powers; to provide that the bonds and notes and other evidences of indebtedness of the Authority shall, subject to certain conditions, constitute negotiable instruments; to authorize the creation special debt service reserve funds and such other funds as may be necessary or desirable for the corporate purposes of the Authority; to provide for the refunding, by the issuance and sale of refunding bonds or notes and other evidences of indebtedness, of any bonds or notes and other evidences of indebtedness theretofore issued by the Authority; to provide that Article 9 of the Alabama Uniform Commercial Code or any successor provision thereto shall apply to any security interest in any personal property created by the Authority in connection with the issuance of its bonds and notes and other evidences of indebtedness; to provide that the bonds and notes of the Authority shall be legal investments for trust and other fiduciary funds as security for deposits of funds of the State or its political subdivisions, instrumentalities or agencies, whenever such security is required; to exempt from all taxation in the State the properties, revenues and income of the Authority and the interest, and premium, if any, payable on the bonds and notes and other evidences of indebtedness of the Authority; to exempt from all laws of the State governing usury or prescribing or limiting interest rates (i) the Authority, its bonds, notes, evidences of indebtedness and other contracts and (ii) any payment constituting interest made pursuant to any obligation which constitutes all or any part of the source of payment for any of the bonds, notes or other obligations of the Authority; to exempt the Authority and all contracts made by it from all laws of the State requiring competitive bids for contract or purchase; to provide for the liberal construction of the provisions of this Act; to exempt the Authority from the supervision and control of any State agency; to provide that the Authority shall be a not-for-profit corporation and that any revenues of the Authority remaining after provision has been made for payment of the expenses, bonds and notes, shall be used to make or acquire student loans or be paid over to the State; to provide that the publication of a notice of the adoption of a resolution authorizing the issuance of bonds or notes by the Authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such bonds or notes or any instrument securing the same; to provide for the dissolution of the Authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Committee on Ways and Means.

By Rep. Clark (J):

H. 690. To provide that those officials authorized to issue motor vehicle license plates shall have the authority to require proof of payment of the Federal Heavy Motor Vehicle Excise Tax imposed by Title 26 U.S.C. § 4481, in order to insure that the State of Alabama does not suffer any reduction in the State's share of federal highway funds as provided by Title 23 U.S.C. § 141(d), and to prohibit the issuance of motor vehicle license

plates to those motor vehicles having a taxable gross weight of more than 33,000 pounds until the applicant provides proof that the tax imposed by Title 26 U.S.C. § 4481, has been paid for the particular motor vehicle sought to be registered and licensed.

Committee on State Administration.

By Rep. Moore:

H. 691. Relating to motorcycles, to require the department of public safety to implement a motorcycle driver education program and to provide for qualifications for instructors and courses of instruction, and to provide for a special fund in the state treasury and an additional \$2.00 fee for each motorcycle registration, and to provide rule making power to the department to implement the provisions of this act.

Committee on Ways and Means.

By Reps. Rice, Faulk, Flowers, Mathis, Browder, Bowling, Rains, Venable, Grouby, Warren, McKee, and Holmes:

H. 692. To amend Section 40-23-5 of the Code of Alabama 1975, which exempts certain organizations from payment of state, county and municipal sales and use taxes, so as to exempt The Alabama Society for Crippled Children and Adults, Inc., and any of its branches or agencies from such taxes.

Committee on Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Harper, Gaston, Kvalheim, Marietta, Box, Zoghby, Clark (W), Turner and Kennedy:

H. J. R. 183. RECOGNIZING THE ALABAMA DEEP SEA FISHING RODEO AS A SPORTS EVENT OF NATIONAL PROMINENCE.

WHEREAS, the Alabama Deep Sea Fishing Rodeo is the official Deep Sea Fishing Rodeo in and for the State of Alabama, by Gubernatorial proclamation and by designation of the Alabama Legislature; and

WHEREAS, in July 1984, the 52nd Alabama Deep Sea Fishing Rodeo will take place at Dauphin Island, Alabama, once again attracting a host of out-of-state participants as well as our own Alabama anglers; and

WHEREAS, since 1929 and the Rodeo's inception, this event has served both to stimulate the local economy and to focus our nation's spotlight on the State of Alabama; and

WHEREAS, the Alabama Legislature, as well as Alabamians statewide, take great pride in this outstanding attraction which was the first competitive fishing event in America ever to be dubbed a rodeo, and one which has grown from its first 260 participating sports fishermen to a total now numbering in the thousands; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in utmost personal pride, we hereby recognize the Alabama Deep Sea Fishing Rodeo as a sports event of national prominence; we further most cordially welcome the 1984 participants to Alabama and to our beautiful Gulf Coast area.

BE IT FURTHER RESOLVED, That copies of this resolution be for-

warded to the Executive Committee and Board of Directors of the Alabama Deep Sea Fishing Rodeo and to the event's sponsor, the Mobile Jaycees.

On motion of Rep. Harper, the rules were suspended and the resolution, H. J. R. 183, was adopted.

Also:

By Rep. McKee:

H. J. R. 184. WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Humana Hospital East Montgomery; and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association; and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards; and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations; and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Humana Hospital East Montgomery in twenty-four different areas; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate the Humana Hospital East Montgomery on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Humana Hospital East Montgomery.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 184, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 185. COMMENDING MR. GAINES RAY JEFFCOAT.

BILLS ON THIRD READING

And the bill:

H. 474. Relating to Wilcox County; to give the county commission

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certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 488. To authorize the Barbour County Commission to compensate a Clerk in the Sheriff's Office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 489. (With Amendment): Relating to Barbour County: To provide that the Sheriff shall be entitled to the allowance payable by the State for feeding prisoners.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 489, page 1, Section 1, line 18 after the word "be" by striking entitled and inserting in lieu thereof the following: entitled

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill, H. 489, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 490. Relating to Barbour County: Fixing the fee for an issuance of a pistol permit by the Sheriff and providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 511. To alter Blount County Commission Districts One and Two by transferring Beat 39 from District One to District Two.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 555. Relating to Pickens County, providing for a Microfilm Print special recording fee of \$3.00, in addition to all existing recording fees and charges; for each document filed for record in the county.

Was taken up.

SUBSTITUTE OFFERED

Rep. Mitchell offered the following substitute to the bill, H. 555:

A BILL TO BE ENTITLED AN ACT

To provide for a special recording fee, in addition to all existing recording fees and charges for documents hereafter filed for record in Pickens County; and to prescribe the use thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. On and after the date this act becomes applicable to Pickens County, a special recording fee of \$3.00 shall be paid to and collected by its judge of probate, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said judge of probate and for the recording of other instruments and documents in the probate office of the county, and, on and after such date, no such instrument shall be received for record in the office of said judge of probate unless the said special recording fee of \$3.00 is paid thereon. Said special recording fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the probate office of the county. All special recording fees so collected shall be deposited into the Judge of Probate Account of the probate office to be expended by the judge of probate at his discretion for the improvement of the equipment and operations of the

probate office, for supplements to the salaries of employees of the probate office, and for any type of commercial advertising relating to public information on probate affairs that are of interest to the general public.

Section 2. At the end of the first fiscal year after the enactment of this act, the chairman of the county commission, the state representative, the state senator, and the judge of probate shall review the expenditure of such special recording fees and if a surplus exists such amount shall be deposited into the county general fund.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective October 1, 1984.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 555. To provide for a special recording fee, in addition to all existing recording fees and charges for documents hereafter filed for record in Pickens County; and to prescribe the use thereof.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 459. Relating to Geneva County; providing that a \$1,000.00 damage bond must be posted with the Geneva County governing body before any house or building is moved on any public road within Geneva County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 528. Relating to Sumter County; to amend Section 2 of Act No. 176, H. 656, Regular Session 1973 (Acts 1973, p. 217), as amended, which relates to expense allowances of the members of the county commission, so as to further provide for such expense allowances and to provide for its retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 541. Relating to Crenshaw County; providing for a discretionary expense allowance for members of the board of registrars, so as to make said expense allowance mandatory.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 559. To provide an annual supplemental salary for the Judge of the District Court of Chambers County.

Was taken up.

AMENDMENT OFFERED

Rep. Fuller offered the following amendment to the bill, H. 559:

Amend House Bill 559, page 1, Section 1, line 21, after "\$500.00 by inserting per month

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill, H. 559, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim,

Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 587. Relating to Butler County; providing an additional expense allowance for the county coroner; and to specifically repeal Act # 213, Acts of Alabama, Regular Session, 1951, page 475.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 606. Relating to Escambia County; amending Section 3 of Act No. 82-305, S. 484, relating to providing supplemental fee allowances for constables and providing additional court costs, so as to provide for an allocation to the Escambia County Juvenile Fund and to provide for the authority of the County Juvenile Court Judge to expend such funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 607. Relating to Escambia County; amending Sections 1 and 2, Act No. 82-744, H. 105, 1982 Second Special Session (Acts 1982, First, Second and Third Special Sessions, p. 215), providing for the payment, use and distribution of net monies received by the county from severance and privilege tax on oil or gas under local law, including funds received pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, so as to provide further for the distribution of such proceeds and to include the funds pursuant to Act No. 83-889, H. 26, Fourth Special Session 1983, relating to revenues from submerged lands; and providing retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 470. Relating to Jefferson County; to authorize the payment of a compensation incentive for personnel assigned by the sheriff on a regular basis to conduct internal investigations or assist in the accountability of funds governed by the sheriff of Jefferson County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 498. Relating to Jefferson County; providing for the salary of the Assistant Tax Collector payable from the County General Fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 507. To provide a supplemental salary for the Circuit Clerk serving the Tenth Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 583. To amend Section 1 of Act No. 77 of the 1964 First Special Session of the Legislature of Alabama (Acts, First and Second Special Sessions of 1964, pp. 111-112) to make such act applicable to Class I cities and to provide for and fix the sum of \$1,000.00 per month as an allowance for expenses for the mayor or other chief executive officer of any such city for which he shall not be required to file an accounting; and to provide for the effective date of such increase.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John),

Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 503. To provide a supplemental salary for the elected deputy circuit clerk serving the Bessmer Cut-Off Division of the Tenth Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 510. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Collector payable from the County General Fund and for an expiration date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 508. Relating to Jefferson County; providing for the salary of the Assistant Tax Assessor payable from the County General Fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 509. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Assessor payable from the County General Fund and for an expiration date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Bachus offered the motion to reconsider the vote by which the bill, H. 470, was passed, and the motion to reconsider was adopted.

MOTION TO TEMPORARILY POSTPONE LOST

The motion offered by Rep. Biddle to temporarily postpone consideration of the bill, H. 470, was lost.

Yeas 3; Nays 5.

Yeas: Reps.: Biddle, Pratt and Trammell. —3

Nays: Reps.: Bachus, Beers, Payne, Seibels and White (G). —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 470. Relating to Jefferson County; to authorize the payment of a compensation incentive for personnel assigned by the sheriff on a regular basis to conduct internal investigations or assist in the accountability of funds governed by the sheriff of Jefferson County.

Was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 10; *Nays* 5.

Yeas:

Reps.: Biddle, Davis, Escott, Horn, McDowell, Purdue, Pratt, Rogers, Spratt and Trammell.

—10

Nays: Reps.: Bachus, Beers, Payne, Seibels and White (G). —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolution was introduced:

By Reps. Holmes, Cosby and McKee:

H. J. R. 186. CALLING FOR THIS LEGISLATURE TO OFFICIALLY TAKE A POSITION WITH REGARD TO VOLUNTARY PRAYER IN PUBLIC SCHOOLS.

WHEREAS, though recently rejected by the United States Senate, the issue of allowing prayer in our schools remains in public dispute, nationwide, and is paramount among concerns of the vast majority of the citizens of Alabama who apparently are in favor of voluntary prayer; and

WHEREAS, to permit voluntary school prayer, through legislation, also is a matter of decision that evokes an emotional response by both proponents and opponents alike, and has therefore become special and unique in public importance; and

WHEREAS, in view of such heated debate and in light of the magnitude of the school prayer question, it is incumbent upon this Legislature to officially take a position as to its support of voluntary prayer in the public schools of America; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express this body's

support and favor of allowing voluntary and non-sectarian prayer in the public schools of America.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 186, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution H. J. R. 186:

Mr. Speaker, Albright, Bachus, Beers, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Hammett, Harper, Hooper, Horn, Johnson (R.G.), Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rogers, Sasser, Spratt, Starr, Turner, Venable, Warren, White (F), White (G), and White (L).

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Melton:

H. R. 187. MOURNING THE DEATH OF MR. ROBERT L. GLYNN OF TUSCALOOSA, ALABAMA.

Also:

The following resolution was introduced:

By Rep. McKee:

H. R. 188. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the rules of the House be amended to add a new rule as follows:

31b. Where the rules of the House as last adopted are not definitive to cover parliamentary procedure, Mason's Manual of Legislative Procedure by Paul Mason shall prevail.

On motion of Rep. McKee, the rules were suspended and the resolution, H. R. 188, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 584. Relating to the City of Birmingham; to further amend Section 3.07(h) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, page 1004), as amended, also known as the Mayor-Council Act of 1955 so as to provide, that the existing Council employees employed under such section, within 30 days of this bill becoming law, may withdraw from membership in any pension system for general employees of a city organized under said act, upon application for such withdrawal, and that such Council employees employed under said section shall be included in such general pension system of such city upon application for membership within 30 days of appointment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 4; Nays 1.

Yeas: Reps.: Brooks, McDowell, Payne and White (G). —4

Nay: Rep. Parker. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 189. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following bills in the order named be made the special, paramount and continuing order of business beginning March 29, 1984, taking precedence over any other business of the House and any other pending Special Order until such time as said bills are disposed of:

Bill No.	Sponsor	Short Title	Page
H. B. 234	Campbell	Enabling Act for H. B. 233 (6 mill advalorem property tax)	80
H. B. 235	Campbell	Constitutional amendment: tax exemption of agricultural and forest property from property tax	81
H. B. 236 (w/amdt.)	Campbell	Enabling Act for H. B. 235 above	82
H. B. 427	Campbell	Class II property tax exemption	82
H. B. 220 (w/sub.)	Campbell	Tax rate on corporations	84
H. B. 221	Campbell	Tax rate on individuals	85

On motion of Rep. Clark (J), the resolution, H. R. 189, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 234. To amend Section 40-9-24, Code of Alabama 1975, so as to make said section consistent with the adoption of an amendment to Article XI, Section 214 of the Constitution of Alabama of 1901, proposed by House Bill 233 introduced at the 1984 regular session of the Legislature of Alabama; and to provide an effective date for the Act.

Was taken up.

AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, H. 234:

Amend H. B. 234 on page 2, lines 19 through 24 by deleting Section 3 in its entirety and inserting in lieu thereof the following new section:

Section 3. The provisions of this Act are not severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall result in this Act being declared unconstitutional in whole.

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Cosby to the bill, H. 234, was tabled.

Yeas 50; Nays 10.

Yeas:

Mr. Speaker, Albright, Blake, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Ford, Fuller, Goodwin, Grayson, Grimsley, Harvey, Holley, Horn, Johnson (Roy), Junkins, Lauderdale, Martin, Mathis, Melton, Moore, Newman, Nicholson, Parker, Perdue, Poole, Reed, Richardson, Rogers, Sasser, Smith, Starkey, Tanner, Venable, Warren, White (F), White (L) and Zoghby.

—50

Nays:

Reps.: Box, Butler, Cosby, Gaston, Harper, Hooper, Kvalheim, Preuitt, Rains and White (G).

—10

And the bill, H. 234, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 16.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Blake, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Hall, Harvey, Hettinger, Holley, Horn, Johnson (Roy), Junkins, Lauderdale, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Reed, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Venable, White (F), White (L) and Zoghby.

—68

Nays:

Reps.: Bachus, Beers, Box, Butler, Cosby, Gaston, Harper, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, Rains, Rice, Seibels and White (G).

—16

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 159. HONORING MELVIN ROBERTS ON HIS RETIREMENT FOLLOWING 31 YEARS OF SERVICE TO THE CITY OF FOLEY, ALABAMA.

Also:

H. J. R. 160. COMMENDING THE STUDENT GOVERNMENT ASSOCIATION OF SOUTHERN UNION STATE JUNIOR COLLEGE, WADLEY.

Also:

H. J. R. 162. MOURNING THE DEATH OF MRS. PEARL WILLIAMS BOADLEY OF MOBILE, ALABAMA.

Also:

H. J. R. 163. COMMENDING MR. WAYNE WASHAM, DIRECTOR OF THE ARAB HIGH SCHOOL BAND.

Also:

H. J. R. 167. MOURNING THE DEATH OF JUDGE WILEY HICKMAN OF GADSDEN, ALABAMA.

Also:

H. J. R. 168. COMMENDING MR. LOWELL GALLOWAY, PROMINENT ALBERTVILLE, ALABAMA, BANKER.

Also:

H. J. R. 169. COMMENDING FORMER REPRESENTATIVE PHIL KELLEY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 173. MOURNING THE DEATH OF MRS. FRANCES ELIZABETH LITTLE OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 174. COMMENDING JEMISON HIGH SCHOOL'S GIRLS BASKETBALL TEAM, RUNNER-UP FOR THE STATE 2-A CHAMPIONSHIP.

Also:

H. J. R. 175. COMMENDING MR. JOHN STOWERS, JUNIOR, OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 176. CONGRATULATING MR. AND MRS. ORVILLE W. TANNER OF HARTSELLE, ALABAMA, ON THEIR FORTHCOMING 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 177. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE CHARGERS' ICE HOCKEY ACCOMPLISHMENTS.

Also:

H. J. R. 179. COMMENDING MISS PAULETTE LOUISE MCKELLAR OF MOBILE, ALABAMA, 1983 ALL-AMERICAN CHEERLEADER.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 120. To authorize and make provision for the incorporation of railroad authorities as public corporations for the purpose of acquiring, constructing, equipping, improving, maintaining, developing and operating railroads, railroad properties and facilities, and other buildings and facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities; to provide that in order for to the governing body of one or more counties, cities or towns in Alabama in which there are located certain railroad properties that the operator thereof has notified the Interstate Commerce Commission of an intention to abandon, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain powers, subject to certain limitations; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments and by local governmental authorities of construction or purchase contracts and from all Alabama Public Service Commission regulation other than rate regulation; to provide that any county, city, town or other political subdivision, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by

resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the income of any such Authority; to exempt all property of any such Authority from all taxation, subject to certain limitations insofar as exemption from state property taxation is concerned; to authorize the investment of any idle funds of any county, city or town within the State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 235. (With Substitute): To exempt from state ad valorem taxation agricultural and forest property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons, up to an amount not exceeding \$25,000 in assessed value; to provide a procedure for application for and the administration of said exemption; and to provide an effective date for the Act.

Was taken up.

The question was then on the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To exempt from the special property tax levied in the amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama agricultural and forest property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons, up to an amount not exceeding \$50,000 in assessed value; to provide a procedure for application for and the administration of said exemption; and to provide an effective date for the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Exemption of Agricultural and Forest Property. For tax years beginning on and after October 1, 1984, agricultural and forest property, as defined in Section 40-8-1, Code of Alabama 1975, owned by natural persons is hereby exempted from the special property tax levied in the amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama, provided that such exemption shall not apply with respect to any agricultural or forest property owned by any natural person who shall have under the provisions of this Act received, with respect to all agricultural and forest property situated in the State and owned by such natural person, exemptions of agricultural and forest property from said property tax aggregating \$50,000 in assessed value. Such exemption shall be claimed at the same time and in the same manner as the homestead exemption provided for in Section 40-9-19, Code of Alabama 1975, as amended, and the Department of Revenue shall provide the county tax assessors with appropriate forms for use in connection with applications for said exemption. The county tax assessors shall provide to the Department of Revenue, and the Department of Revenue shall maintain, such information and records as shall be necessary to ensure that no person shall receive the benefit of the exemption provided hereby through the exemption of agricultural and forest property owned by such person and having an aggregate assessed value in excess of \$50,000, taking into account all agricultural and forest property situated in the State and owned by said person.

Section 2. Repealer. All laws and parts of laws that are in conflict with any of the provisions of this Act are, to the extent of such conflict, repealed.

Section 3. Severability. If any portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining portions of this Act, which shall continue effective.

Section 4. Effective Date. This Act shall become effective upon the adoption of an amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama.

SUBSTITUTE TABLED

On motion of Rep. Campbell, the substitute reported by the Standing Committee on Ways and Means to the bill, H. 235, was tabled.

Yeas 72; Nays 10.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Black, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Dutton, Faulk, Ford, Fuller, Goodwin, Grayson, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Lauderdale, Lindsey, McKee, McMillan, Martin, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Reed, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (F), White (L) and Zoghby.

Nays:

Reps.: Bachus, Beers, Buskey (James), Gaston, Gray, Hooper, McDowell, Rice, Seibels and White (G).

—10

SUBSTITUTE OFFERED

Rep. Campbell offered the following substitute to the bill, H. 235:

A BILL TO BE ENTITLED AN ACT

To exempt from the special property tax levied in the amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama agricultural and forest property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons or a family farm corporation, up to an amount not exceeding \$50,000 in assessed value; to provide a procedure for application for and the administration of said exemption; and to provide an effective date for the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Exemption of Agricultural and Forest Property. For tax years beginning on and after October 1, 1984, agricultural and forest property, as defined in Section 40-8-1, Code of Alabama 1975, owned by natural persons or a family farm corporation is hereby exempted from the special property tax levied in the amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama, provided that such exemption shall not apply with respect to any agricultural or forest property owned by any natural person or family farm corporation that shall have under the provisions of this Act received, with respect to all agricultural and forest property situated in the State and owned by such natural person or family farm corporation, exemptions of agricultural and forest property from said property tax aggregating \$50,000 in assessed value. For purposes of this Act, a family farm corporation means a corporation engaged primarily in the production of agricultural or forest products, the shareholders of which are related by blood or marriage and the principal residence of at least one of the shareholders is located on a farm owned by the corporation that is utilized primarily for the production of agricultural or forest products. Such exemption shall be claimed at the same time and in the same manner as the homestead exemption provided for in Section 40-9-19, Code of Alabama 1975, as amended, and the Department of Revenue shall provide the county tax assessors with appropriate forms for use in connection with applications for said exemption. The county tax assessors shall provide to the Department of Revenue, and the Department of Revenue shall maintain, such information and records as shall be necessary to ensure that no person or family farm corporation shall receive the benefit of the exemption provided hereby through the exemption of agricultural and forest property owned by such person or family farm corporation and having an aggregate assessed value in excess of \$50,000, taking into account all agricultural and forest property situated in the State and owned by said person or family farm corporation.

Section 2. Repealer. All laws and parts of laws that are in conflict with any of the provisions of this Act are, to the extent of such conflict, repealed.

Section 3. Severability. If any portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining portions of this Act, which shall continue effective.

Section 4. Effective Date. This Act shall become effective upon the adoption of an amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 74; Nays 8.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grimsley, Hall, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Sasser, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—74

Nays:

Reps.: Bachus, Beers, Gray, Hettinger, McDowell, Payne, Spratt and White (G).

—8

And the bill:

H. 235. To exempt from the special property tax levied in the amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama agricultural and forest property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons or a family farm corporation, up to an amount not exceeding \$50,000 in assessed value; to provide a procedure for application for and the administration of said exemption; and to provide an effective date for the Act.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 12.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Faulk, Ford, Fuller, Goodwin, Grayson, Grimsley, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Poole, Pratt,

Preuitt, Reed, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—75

Nays:

Reps.: Bachus, Beers, Buskey (James), Butler, Cosby, Gaston, Gray, Hooper, McDowell, McKee, Rains and White (G).

—12

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Carothers refrained from voting on the final passage of the bill, H. 235, due to possible conflict of interest.

And the bill:

H. 236. (With Amendment): To amend Section 40-9-19, Code of Alabama 1975, as previously amended, so as to increase the homestead exemption to an amount not exceeding \$5,000 in assessed value for any resident of this state who is not over 65 years of age; and to provide an effective date for the Act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 236 by deleting the period at the end of page 1, line 11, and by inserting the following:

, and defines the types of local school taxes subject to the homestead exemption.

Further amend by inserting on page 1, line 20, following the word "age;" the following:

to define the types of local school taxes subject to the homestead exemption;

Further amend by inserting on page 2, line 21, after the word "except," the following:

countywide and school district

And the amendment was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grimsley, Hall, Hammett, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Rogers, Sasser, Smith, Spratt, Starkey,

Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—76

AMENDMENT OFFERED

Rep. Campbell offered the following amendment to the bill, H. 236 as amended:

Amend H. B. 236, as amended, at page 1, lines 7 through 8 by deleting after the word "bill" at line 7 the following:

"provides for an increase in the homestead exemption from state property taxes"

and substituting therefor the following:

"defines the type of local school taxes subject to the county homestead exemption"

and further at page 1, lines 18 through 20 by deleting after the word "as" at line 19 the following:

"to increase the homestead exemption to an amount not exceeding \$5,000 in assessed value for any resident of this state who is not over 65 years of age;"

and further at page 1, line 33 by deleting after the word "exceed" the following:

"\$5000.00"

and substituting therefor the following:

"\$4000.00"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—85

AMENDMENT OFFERED

Rep. Adams offered the following amendment to the bill, H. 236 as amended:

In Section 1 of the quoted Section 40-9-19, on page 1, line 35, after the word "age" insert the following underlined language:

, provided, however, that the exemptions provided herein or any other exemptions provided by law shall not operate in such a manner as to exempt any natural person owning property situated in this state from the payment of at least \$25.00 of taxes on any parcel or tract of property owned by such person; except, for persons and property exempt from ad valorem taxation as prescribed in Section 40-9-21 of the Code of Alabama 1975.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 22.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Blakeney, Bowling, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Campbell, Carothers, Clark (J), Coleman, Cosby, Crow, Davis, Faulk, Fuller, Gaston, Gray, Grimsley, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Newman, Payne, Penry, Perdue, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Turner, Venable, White (G), White (L) and Zoghby.

—61

Nays:

Reps.: Brakefield, Buskey (James), Clark (W), Coburn, Ford, Grayson, Grouby, Hall, Holley, Johnson (R.G.), Lindsey, Mitchell, Moore, Nicholson, Onderdonk, Parker, Rains, Smith, Trammell, Turnham, Warren and White (F).

—22

And the bill:

H. 236. To amend Section 40-9-19, Code of Alabama 1975, as previously amended, so as to define the types of local school taxes subject to the homestead exemption; and to provide an effective date for the Act.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 65; Nays 19.

Yeas:

Mr. Speaker, Albright, Black, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Faulk, Fuller, Goodwin, Gray, Grimsley, Harvey, Holley, Horn, Johnson (Roy), Junkins, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Reed, Richardson, Rogers, Sasser, Smith, Spratt,

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14th Day

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Starkey, Starr, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—65

Nays:

Reps.: Bachus, Beers, Buskey (James), Butler, Cosby, Gaston, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, Moore, Payne, Rains and White (G).

—19

And the bill:

H. 427. To exempt from the special property tax levied in the amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama, Class II real property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons, up to an amount not exceeding \$20,000 in assessed value; to provide a procedure for application for and the administration of said exemption; and to provide an effective date for the Act.

Was taken up.

AMENDMENT OFFERED

Rep. Campbell offered the following amendment to the bill, H. 427:

Amend H. B. 427 at page 1, line 11 by deleting before the word "in" the following:

"\$20,000"

and substituting therefor the following:

"\$40,000"

and further at page 1, line 27 by deleting after the word "exceeding" the following:

"\$20,000"

and substituting therefor the following:

"\$40,000"

and further at page 2, line 11 by deleting before the word "in" the following:

"\$20,000"

and substituting therefor the following:

"\$40,000"

and further at page 2, line 22 by deleting after the words "excess of" the following:

"\$20,000"

and substituting therefor the following:

\$40,000"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—87

Nay: Rep. Rains.

—1

And the bill:

H. 427. To exempt from the special property tax levied in the amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama, Class II real property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons, up to an amount not exceeding \$40,000 in assessed value; to provide a procedure for application for and the administration of said exemption; and to provide an effective date for the Act.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 78; Nays 10.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Faulk, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Hall, Harper, Harvey, Hettinger, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—78

Nays:

Reps.: Butler, Cosby, Gaston, Grouby, Hammett, Hooper, Kvalheim, Rice, Seibels and White (G)

—10

And the bill:

H. 220. (With Substitute): This bill amends Section 40-18-31, Code of Alabama 1975 by raising the tax rate from 5% to 6% on the taxable income of corporations.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

This bill amends Section 40-18-31, Code of Alabama 1975 by raising the tax rate from 5% to 6.5% on the taxable income of corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-18-31, Code of Alabama 1975 is hereby amended to read as follows:

"A tax is hereby levied and imposed upon every corporation organized under the laws of Alabama, which shall be assessed, collected and paid annually for the taxable year ~~1963~~ 1984 and for each taxable year thereafter upon and with respect to their entire net income as hereinafter defined, to be computed at the rate of five ~~six~~ and one-half percent. A like tax is hereby levied and imposed upon every foreign corporation doing business in the state, which tax shall be assessed, collected and paid annually at the rate specified in this section, upon and with respect to the entire net income as herein defined, except as hereinafter provided, from property situated within this state and from business done and transacted within this state. Such taxes shall be first assessed, collected and paid during the year 1964 ~~1985~~ upon and with respect to taxable income for the calendar year ~~1963~~ 1984, or for any fiscal year beginning during the calendar year ~~1963~~ 1984; and in each and every taxable year thereafter such income tax shall be assessed, collected and paid likewise, based upon the calendar year or any fiscal year ending during such a calendar year."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. After passage, this Act shall become effective only upon ratification and adoption of an amendment to the Constitution of Alabama 1901 proposed in the 1984 Regular Session authorizing the legislature with the power to levy and provide for the collection of taxes for State purposes on the net income of corporations and individuals at a rate not to exceed 6% for the calendar year 1985, or any fiscal year beginning in calendar year 1985, and for each year thereafter.

SUBSTITUTE TABLED

On motion of Rep. Campbell, the substitute reported by the Standing Committee on Ways and Means to the bill, H. 220, was tabled.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John),

Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Tanner, Turner, Venable, Warren, White (L) and Zoghby.

—72

And the bill, H. 220, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 29.

Yeas:

Mr. Speaker, Albright, Black, Blake, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Goodwin, Gray, Grayson, Grimsley, Harvey, Horn, Johnson (Roy), Junkins, Lauderdale, Lindsey, Mathis, Newman, Nicholson, Onderdonk, Parker, Perdue, Preuitt, Richardson, Rogers, Sasser, Spratt, Starkey, Turner, Turnham, Venable, Warren and Zoghby.

—51

Nays:

Reps.: Adams, Bachus, Beers, Box, Butler, Cosby, Ford, Gaston, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, Mikell, Mitchell, Moore, Payne, Penry, Rice, Seibels, Smith, Starr, White (G) and White (L).

—29

And the bill:

H. 221. (With Substitute): This bill amends Section 40-18-5, Code of Alabama 1975 by raising the tax rate of individuals from 5% to 6% on taxable income above \$8,000.00.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

This bill amends Section 40-18-5, Code of Alabama, 1975 by raising the tax rate of individuals from 5% to a maximum of 7% on taxable income over \$50,000.00. This bill further amends Section 40-18-19, Code of Alabama, 1975, by exempting the first \$10,000.00 of certain retirement compensation received by Alabama residents.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-18-5, Code of Alabama, 1975 is hereby amended to read as follows:

"The tax herein levied and imposed upon every resident of this state, which tax is in addition to all other taxes imposed by this title, and which tax shall be assessed, collected and paid annually upon and with respect to his entire net taxable income as herein defined and shall be computed at rates as follows:

(1) For single persons, head of family and married persons filing separate returns:

a. On the excess over the amount exempted herein up to and including \$500.00, two percent.

b. On the excess over the amount exempted herein, above \$500.00, up to and including \$3,000.00, four percent.

c. On the excess over the amount exempted herein, above \$3,000.00, up to and including \$5,000.00, five percent.

d. On the excess over the amount exempted herein, up to and including \$17,500.00, six percent.

e. On the excess over the amount exempted herein, up to and including \$25,000.00, six and one-half percent.

f. On the excess over the amount exempted herein more than \$25,000.00, seven percent.

(2) For married persons filing a joint return:

a. On the excess over the amount exempted herein up to and including \$1,000.00, two percent.

b. On the excess over the amount exempted herein, above \$1,000.00, up to and including \$6,000.00, four percent.

c. On the excess over the amount exempted herein, above \$6,000.00, up to and including \$10,000.00, five percent.

d. On the excess over the amount exempted herein up to and including \$35,000.00, six percent.

e. On the excess over the amount exempted herein up to and including \$50,000.00, six and one-half percent.

f. On the excess over the amount exempted herein more than \$50,000.00 seven percent.

A like tax is hereby levied and imposed and shall be assessed, collected and paid annually at the rates specified in this section, upon and with respect to the entire net income, as herein defined, except as hereinafter provided, from all property owned and from every business, trade, profession or occupation carried on in this state by natural persons not residents of this state. The tax levied and imposed in this section shall first be assessed, collected and paid in the year ~~1983~~ 1985 upon and with respect to the taxable income for the calendar year ~~1982~~ 1984, or for any fiscal year beginning during the year ~~1982~~ 1984, and in each year thereafter such tax shall be assessed likewise based upon the preceding calendar year or any fiscal year ending during such preceding calendar year. Every natural person domiciled in the state of Alabama, and every other natural person who maintains a permanent place of abode within the state or spends in the aggregate more than seven months of the income year within the state shall be presumed to be residing within the state for the purpose of determining liability for income taxes."

Section 2. Section 40-18-19, Code of Alabama, 1975, is hereby amended to read as follows:

"(a) The following exemptions from income taxation shall be allowed to every individual resident taxpayer:

(1) Retirement allowances, pensions and annuities, or optional allowances, approved by the board of control of the teachers' retirement system of Alabama, which exempt status is set out in section 16-25-23;

(2) Retirement allowances, pensions and annuities or optional allowances, approved by the board of control of the employees' retirement system of Alabama, which exempt status is set out in section 36-27-28;

~~(3) The first \$8,000.00 of any retirement compensation, retirement allowances, pensions and annuities, or optional allowances, received by any eligible peace officer as defined in section 36-21-60(10), from any police retirement system established in the state of Alabama, but only if such retirement compensation, retirement allowances, pensions and annuities, or optional allowances are awarded as the result of police services rendered. This subdivision shall become effective for taxable years beginning January 1, 1984 and thereafter.~~

(3) The first \$10,000.00 of any other retirement compensation, retirement allowances, and annuities from any other source received by Alabama residents except those annuities received as a result of prior participation in any and all deferred compensation plans unless otherwise exempted, including but not limited to those plans relating to individual retirement savings as referred to in Section 40-18-15(11) and such plans as Keogh-HR-10 plans.

(4) Income received as annuities under the United States retirement system from the United States government civil service retirement and disability fund;

(5) Net income realized by individuals and partnerships from time to time in the business of conducting a financial business employing moneyed capital coming into competition with the business of national banks, but only if such individuals and partnerships are subject to an excise tax imposed by this state on or with respect to such income;

(6) In case of a single person or a married person not living with husband or wife, a personal exemption of \$1,500.00 or, in the case of a head of a family or a married person living with husband or wife, a personal exemption of \$3,000.00, but a husband and wife living together shall receive only one personal exemption of \$3,000.00 against their aggregate income, and in case they make separate returns each must claim a personal exemption of \$1,500.00; and

(7) Three hundred dollars for each person, other than husband or wife, dependent upon the taxpayer, and over half of whose support, for the calendar year in which the taxable year for the taxpayer begins, was received from the taxpayer. For the purposes of this section, "dependent" shall mean: a son or daughter of the taxpayer or a descendant of either; a stepson or stepdaughter of the taxpayer; a brother, sister, stepbrother or stepsister of the taxpayer; the father or mother of the taxpayer or an ancestor of either; a stepfather or stepmother of the taxpayer; a son or daughter of a brother or sister of the taxpayer; a brother or sister of the father or mother of the taxpayer; a son-in law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law of the taxpayer. As used

in this paragraph the terms "brother" and "sister" include a brother or sister by the half blood. For the purpose of determining whether any of the foregoing relationships exist, a legally adopted child of a person shall be considered a child of such a person by blood.

(b) Of the following personal exemptions allowed resident taxpayers, each nonresident individual taxpayer shall be allowed that proportion thereof that the adjusted gross income received by said nonresident individual taxpayer from sources within the state of Alabama bears to his or her adjusted gross income received from sources within and without the state of Alabama: In the case of a single person or a married person not living with husband or wife, a personal exemption of \$1,500.00 or, in the case of a head of a family or a married person living with husband or wife, a personal exemption of \$3,000.00, a husband and wife living together shall receive but one personal exemption of \$3,000.00 against their aggregate income; and, in case they make separate returns, each must claim a personal exemption of \$1,500.00; and \$300.00 for each person, other than husband or wife, dependent upon and receiving his chief support from the taxpayer."

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. After passage, this Act shall become effective only upon ratification and adoption of an amendment to the Constitution of Alabama 1901 proposed in the 1984 Regular Session authorizing the legislature with the power to levy and provide for the collection of taxes for State purposes on the net income of individuals at a rate not to exceed seven percent for the calendar year 1985, or any fiscal year beginning in calendar year 1985, and for each year thereafter.

SUBSTITUTE TABLED

On motion of Rep. Campbell, the substitute reported by the Standing Committee on Ways and Means to the bill, H. 221, was tabled.

Yeas 74; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—74

Nay: Rep. Rice.

—1

AMENDMENT OFFERED

Rep. Starkey offered the following amendment to the bill, H. 221 as amended:

Amend House Bill 221 on page 1, lines 9 and 17 by adding the following sentence.

"This bill further amends Section 40-18-19, Code of Alabama, 1975, by exempting the first \$8,000.00 of certain retirement compensation received by Alabama residents."

Further amend House Bill 221 on page 2, line 34 by inserting a new Section 2 and renumbering all following Sections accordingly:

"Section 2. Section 40-18-19, Code of Alabama, 1975, is hereby amended to read as follows:

'(a) The following exemptions from income taxation shall be allowed to every individual resident taxpayer:

(1) Retirement allowances, pensions and annuities, or optional allowances, approved by the board of control of the teachers' retirement system of Alabama, which exempt status is set out in section 16-25-23;

(2) Retirement allowances, pensions and annuities or optional allowances, approved by the board of control of the employees' retirement system of Alabama, which exempt status is set out in section 36-27-28;

~~(3) -The -first -\$8,000.00 -of -any -retirement -compensation, -retirement allowances, -pensions and annuities, or optional allowances, -received by any eligible peace officer as defined in section 36-21-60(10), from any police retirement system established in the state of Alabama, but only if such retirement compensation, retirement allowances, pensions and annuities, -or -optional allowances are awarded as the result of police services rendered. This subdivision shall become effective for taxable years beginning January 1, 1984 and thereafter.~~

(3) The first \$8,000.00 of any other retirement compensation, retirement allowances, and annuities from any other source received by Alabama residents except those annuities received as a result of prior participation in any and all deferred compensation plans unless otherwise exempted, including but not limited to those plans relating to individual retirement savings as referred to in Section 40-18-15(11) and such plans as Keogh-HR-10 plans.

(4) Income received as annuities under the United States retirement system from the United States government civil service retirement and disability fund;

(5) Net income realized by individuals and partnerships from time to time in the business of conducting a financial business employing moneyed capital coming into competition with the business of national banks, but only if such individuals and partnerships are subject to an excise tax imposed by this state on or with respect to such income;

(6) In case of a single person or a married person not living with husband or wife, a personal exemption of \$1,500.00 or, in the case of a head of a family or a married person living with husband or wife, a personal exemption of \$3,000.00, but a husband and wife living together shall receive only one personal exemption of \$3,000.00 against their aggregate income, and in case they make separate returns each must claim a personal exemption of \$1,500.00; and

(7) Three hundred dollars for each person, other than husband or wife, dependent upon the taxpayer, and over half of whose support, for the calendar year in which the taxable year for the taxpayer begins, was received from the taxpayer. For the purposes of this section, "dependent" shall mean: a son or daughter of the taxpayer or a descendant of either; a stepson or stepdaughter of the taxpayer; a brother, sister, stepbrother or stepsister of the taxpayer; the father or mother of the taxpayer or an ancestor of either; a stepfather or stepmother of the taxpayer; a son or daughter of a brother or sister of the taxpayer; a brother or sister of the father or mother of the taxpayer; a son-in law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law of the taxpayer. As used in this paragraph the terms "brother" and "sister" include a brother or sister by the half blood. For the purpose of determining whether any of the foregoing relationships exist, a legally adopted child of a person shall be considered a child of such a person by blood.

(b) Of the following personal exemptions allowed resident taxpayers, each nonresident individual taxpayer shall be allowed that proportion thereof that the adjusted gross income received by said nonresident individual taxpayer from sources within the state of Alabama bears to his or her adjusted gross income received from sources within and without the state of Alabama: In the case of a single person or a married person not living with husband or wife, a personal exemption of \$1,500.00 or, in the case of a head of a family or a married person living with husband or wife, a personal exemption of \$3,000.00, a husband and wife living together shall receive but one personal exemption of \$3,000.00 against their aggregate income; and, in case they make separate returns, each must claim a personal exemption of \$1,500.00; and \$300.00 for each person, other than husband or wife, dependent upon and receiving his chief support from the taxpayer."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.) Johnson

(Roy), Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 221. This bill amends Section 40-18-5, Code of Alabama 1975 by raising the tax rate of individuals from 5% to 6% on taxable income above \$8,000.00. This bill further amends Section 40-18-19, Code of Alabama, 1975, by exempting the first \$8,000.00 of certain retirement compensation received by Alabama residents.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 58; Nays 30.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Fuller, Goodwin, Gray, Grayson, Grimsley, Hall, Harvey, Holley, Horn, Johnson (Roy), Junkins, Lauderdale, Martin, Mathis, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Tanner, Trammell, Turner, Turnham and Zoghby.

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Nays:

Reps.: Adams, Beers, Box, Buskey (James), Butler, Cosby, Ford, Gaston, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, Mikell, Mitchell, Payne, Rains, Rice, Smith, Starr, Venable, Warren, White (F), White (G) and White (L).

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RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 190. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That the following bills in the order named be made the special and paramount order of business for Thursday, March 29, 1984:

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<u>Bill No.</u>	<u>Sponsor</u>	<u>Short Title</u>	<u>Page</u>
S. B. 54	Mitchem	Legislative services; method of funding	41
H. B. 598	Johnson, Roy	State property, sale of	46 (S)
H. B. 337	Starr	Aged, programs, income tax checkoff authorized	108
H. B. 66	Buskey, James	Motor vehicles, sizes & weights, compliance w/ federal law	78
H. B. 62	Coleman	Real Estate Commission, appropriation	47
H. B. 50	Mathis	Grandparents' rights regarding certain adopted minors	6
H. B. 223 (w/sub)	Zoghby	State employees and retirement system beneficiaries; Finance Dept. automatic deposit system	70
H. B. 571	Warren	Plumbers & gas fitters certification board created	45 (S)
H. B. 197	Dutton	Black Warrior Wildlife Management Area, boundaries extended	72
H. B. 290	Carter	Pool tables; regulation of in certain areas of counties	35
H. B. 346	Britnell	Mental Health Bd; qualifications redefined	10 (S)
H. B. 122	Grayson	State Courses of Study Committee; composition changed	23
H. B. 81 (w/amdt.)	Marietta	Minimum limits	63

On motion of Rep. Clark (J), the resolution, H. R. 190, was adopted.

REPORT FILED

Pursuant to House Joint Resolution 10, Act No. 82-255, Regular Session of the Legislature, Rep. Jack B. Biddle, III, Chairman, submitted the report of the Interim Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues, and the report was ordered filed.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 598. To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to authorize the department of economic and community affairs to prescribe pro-

cedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe penalties for violations of this act; to provide for certain personnel for the department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama, 1975.

Was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the bill, H. 598:

A BILL TO BE ENTITLED AN ACT

To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to authorize the department of economic and community affairs to prescribe procedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe penalties for violations of this act; to provide for certain personnel for the department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1.

(a) The director of the department of economic and community affairs shall be responsible for the distribution, sale, transfer, or disposal of all surplus personal property owned by the state and all right, title, and interest in said property shall be transferred to said department for such purpose. The director may delegate to the chief of the surplus property division such supervision and control of the distribution, sale, transfer, or disposal of the aforementioned state owned surplus personal property.

(b) The meaning of certain words as used in this act are as follows:

(1) Division — shall mean surplus property division of the department of economic and community affairs.

(2) Coordinator — shall mean that officer or employee who shall be designated by the head of each department, board, bureau, commission, institution, corporation, or agency of the state, in writing, to the division, to be the personal property management coordinator.

(3) Surplus Property — shall mean that property declared by the personal property management coordinator of each state department, bureau, board, commission, or agency to be surplus and so designated in writing to the chief of the division.

(4) Eligible Agency — shall mean any city, county, board of education, volunteer fire department, civil defense agency, or state department, board, bureau, commission, or agency that is not found to be in violation of divi-

sion rules and regulations during the 12 months immediately preceding the intended purchase.

(c) The coordinator shall report to the surplus property division of the department of economic and community affairs any personal property declared surplus by his department, board, bureau, commission, institution, corporation, or agency and make said property available to the division.

(d) The division shall be authorized to promulgate such administrative rules and regulations as deemed necessary including, but not limited to: (1) promotion of the sale of surplus property; (2) shipment of surplus property; (3) storage of surplus property; (4) length of retention of surplus property; (5) public auction of surplus property; (6) such other rules and regulations as, from time to time, may be determined to be necessary to implement the provisions of this act.

(e) The division shall have authority to sell surplus property at fair market value, as established by the division and set out in its published rules, to incorporated cities, counties, volunteer fire departments, boards of education, civil defense agencies and state departments, boards, bureaus, commissions, or agencies prior to sale of same by public auction. Payment for purchases by any of the above mentioned entities shall be made within 72 hours after such purchase. If payment is not made within 72 hours after a purchase, then such purchase shall be declared void and the property may be sold to another purchaser, prior to public auction.

Section 2.

(a) Surplus property shall be made available at such times and places as determined to be appropriate by the division for inspection and acquisition by eligible agencies.

(b) The division shall periodically publish a list of all surplus property held by it at the time of such publication.

(c) The published list shall be made available to all eligible agencies.

(d) The division will determine the manner in which the list of surplus personal property shall be published.

(e) The division shall not be authorized to handle or dispose of any regulated hazardous materials.

Section 3.

(a) The division shall be authorized to collect reasonable fees subject to restriction hereinafter contained in this act, for transfer, handling, shipping, classification, warehousing, bidding, destruction, scrapping, or other disposal of property and such other fees as may be deemed appropriate in order to insure the continued efficient operation of the surplus property function of the department.

(b) The division shall establish two accounts within the state treasury for the operation of the surplus property function as follows: (1) The first account shall be known as the federal surplus property account into which all moneys received from the distribution of federally donated surplus property shall be deposited; (2) The second account shall be known as the state surplus property account into which all moneys received from the distribution of state owned surplus property and any funds appropriated from the state general fund for the operation of the surplus property function shall be deposited.

(c) Any moneys deposited into either of the aforementioned accounts may be expended from time to time by the department for operation of the surplus property function including, but not limited to, repairs, salaries, rent, travel, and all other necessary operating expenditures subject to restrictions hereinafter contained in this act; providing, however, that on September 30 any unencumbered moneys remaining in the state surplus property account, up to an amount equal to the operating expenses of the quarter ending on September 30, shall be set aside for use during the quarter beginning October 1 for the purposes heretofore stated and any remainder shall revert to the state general fund. The federal surplus property account shall be a perpetual account, and funds therein shall not revert to the state general fund.

Section 4.

The following provisions of this section shall apply only to that property that has been held by the division for a period of not less than 60 days from the date said property is first published in the list of surplus property, as set out in Section 2(b), and not purchased by any eligible agency as set out in Section 1(e) of this act.

(a) All contracts made by, or on behalf of, the state of Alabama, or any department, board, bureau, commission, institution, corporation, or agency thereof, of whatever nature, for the sale or disposal of tangible personal property owned by the state of Alabama, other than (1) alcoholic beverages, (2) products of the Alabama Institute for Deaf and Blind, (3) barter arrangements of the state prison system, (4) books, (5) school supplies, (6) food, (7) property used in vocational projects, (8) livestock, (9) property owned by any state college or university not under the control of the board of education of the state of Alabama, which has trade-in value which may be credited against the cost of replacement property purchased in accordance with the Alabama competitive bid laws, and (10) types of property, the disposal of which is otherwise provided for by law or which, by nature, are incapable of sale by auction or bid, shall be let by free and open competitive public auction or sealed bids.

(b) Every proposal to make a sale covered by this section shall be advertised for at least two weeks in advance of the date fixed for receiving bids. Such advertisement shall appear at least once a week for two consecutive weeks in a newspaper of general circulation in the county where the sale is to be made, and a copy of such proposal shall simultaneously be posted on a readily accessible public bulletin board at the main office of the chief of the division. Advertisements for bids shall state the item or items to be sold, by class and description, where the property is located and the dates, time, and place the property may be inspected. The advertisements shall further state the date, time, and place of auction or opening of sealed bids, and no bid shall be received at any time after the time advertised.

(c) The bids shall be publicly taken or opened, in case of sealed bids, by the chief of the division and all bidders shall be entitled to be present in person or by representative.

(d) The award of the contract shall be made to the successful bidder within 72 hours after taking of the bids.

(e) The bid of the successful bidder so marked, as well as the bids of the unsuccessful bidders in the case of sealed bids, shall be placed on file open to public inspection and shall become matters of public record.

(f) If a successful bidder shall fail to accept award of a contract, then he

shall be prohibited from bidding at any sale held by the division for a period of 12 months following such failure to accept.

(g) The chief of the division may sell all items by lot or by individual item, whichever method, in his opinion, will bring the highest return for the items so advertised.

(h) In the event all bids received are less than the estimated market value of the property, the chief of the division may reject all bids and readvertise or sell by negotiated sale; provided that, in the event the property is sold by negotiated sale under the provisions of this section, the value received must be more than the highest bid or bids received.

(i) Nothing herein shall be construed to prevent the chief of the division from contracting with the highest bidder for any type of property to sell to that bidder all of that type of property, which can be reasonably sold on a continuous basis, at his bid price during that fiscal year providing such possible arrangement was included in the initial request for bids.

(j) All property advertised under the provisions of this section shall be available for inspection during the normal state office hours and at whatever place advertised for at least 48 hours prior to sale.

(k) All property sold under the provisions of this section shall be paid for by the purchaser or his representative by cashier's check, bank draft, certified check, U.S. currency, or notarized letter of credit from a licensed banking institution stating that the holder may purchase surplus property and also stating a maximum amount, at the time of acceptance of bid and award of contract, and said removal shall be not later than seven days after the awarding of the contract; provided, however, that the time limit of seven days shall not be applicable to sales of standing timber.

(l) All proceeds from sales made under the provisions of this section shall be paid into the state treasury or other legally authorized depository to be credited to the proper fund as set out in Section 3(b) prior to final distribution as set out in Section 4(p).

(m) No officer or employee of the state of Alabama or any of its departments, boards, bureaus, commissions, institutions, corporations, or agencies shall act as agent for any bidder; provided, however, that such officers or employees shall not be excluded from bidding on or purchasing state property at public auction or sealed bid.

(n) Any sale of tangible personal property or standing timber of the state made in violation of the terms of this act shall be null and void, and the person or persons responsible for the violation shall be subject to actual damages in addition to punitive damages of not less than \$1,000.00 which shall be recovered for the state of Alabama by the attorney general by civil action in the circuit court of Montgomery county. Any moneys recovered by the attorney general under this section shall be equally divided between the office of the attorney general and the state general fund.

(o) The provisions of this act shall not apply to the sale of diseased, storm or fire-damaged timber, nor shall it apply to timber cut on rights-of-way or easements. Such timber may be sold or otherwise disposed of in such manner as the commissioner of conservation and natural resources deems in the best interest of the state; provided, that no sale of diseased timber shall be made until the state forester shall certify that such timber is diseased, and such certification shall be in written form and filed with the director of finance.

(p) Whenever any surplus property that was purchased with either earmarked state funds or restricted federal funds is sold by the division, the proceeds from such sale, less administrative expenses, unless constitutionally prohibited, shall be deposited to the credit of the specific fund of the state departments, commissions, boards, bureaus, institutions, corporations, or agencies from which the original purchase of such property was made. If the source of the original purchase of the property was a general fund appropriation, then said sale proceeds, less any administrative fee, as set out in the rules authorized to be promulgated by the division, shall be credited to the general fund. In no event shall the said administrative fee, as mentioned above, exceed twenty-five percent (25%) of the gross sale price.

(q) Violation of any of the provisions of this act shall constitute a Class C felony punishable as prescribed by law.

Section 5.

All personnel, including those on personal service contracts, working within the surplus property division of the department of economic and community affairs at the passage of this act shall, by virtue of this section, be considered to meet the requirements of the department in terms of education, training, and experience and shall automatically be placed within the state merit system by the director of the state personnel department with permanent status with all the rights and privileges thereof and shall enjoy the same employment and retirement privileges and rights as the legislature may determine from time to time or as may be otherwise determined by law or administrative rule or regulation according to the rules and regulations of the personnel department of the state of Alabama. All new future employees of the surplus property division of the department of economic and community affairs shall be required to meet the requirements of the state merit system.

All present employees of the surplus property division of the department of economic and community affairs shall remain in their respective positions and continue to enjoy employment conditions including, but not limited to, salary range and advancement at a level no less than those enjoyed prior to the passage of this act. However, nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner provided by law.

Section 6.

All appropriations heretofore made to the finance department for administering the disposal of surplus property under Article 5, Chapter 16, of Title 41, Code of Alabama, 1975, shall be transferred to the surplus property division of the department of economic and community affairs, along with all personnel, records, accounts, equipment, and such other necessary things connected with the surplus property operation as determined by the finance director.

Section 7.

The temporary state plan of operation for the state agency for federal property assistance which was approved by the governor of Alabama on July 14, 1977, and accepted by the general services administration on September 14, 1977, shall become the permanent state plan of operation; provided, however, the division shall have authority, with approval of the governor, to revise said plan from time to time in accordance with regulations as established by the general services administration pursuant to Public Law 94-519 which governs the distribution of federal surplus property.

Section 8.

The provisions of this act are severable. Should any part hereof be declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9.

All laws or parts of laws in conflict herewith are hereby repealed and the provisions of Article 5, Chapter 16, Title 41, of the Code of Alabama, 1975, are hereby specifically repealed.

Section 10.

This act shall become effective October 1, 1984.

H. 598 TEMPORARILY POSTPONED

On motion of Rep. Johnson (Roy), the bill, H. 598 and the pending substitute were temporarily postponed.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 555. To provide for a special recording fee, in addition to all existing recording fees and charges for documents hereafter filed for record in Pickens County; and to prescribe the use thereof.

JIMMY CLARK,
Chairman.

And the bill, H. 555 as engrossed, was sent to the Senate.

SPECIAL ORDER RESUMED

And the bill:

S. 54. To provide further for funding of legislative services and to establish procedures therefor.

WHEREAS, operational expenses and all other financial obligations of the Legislature are derived from the state's General and Special Educational Trust Funds and must therefore be budgeted in advance, as is the case with all state departments similarly funded; and

WHEREAS, the Legislature, however, and perhaps more often than any other department or agency, is required by law to respond to emergency situations which can neither be foreseen nor budgeted in advance; and

WHEREAS, most particularly in recent years, the Legislature, through no fault of its own, has been increasingly faced with situations of an emergency nature including but not limited to numerous unplanned extraordinary sessions and the subsequent costs thereof; and

WHEREAS, the Legislature, in order to meet such financial obligations, has therefore been forced to pass supplemental appropriation bills; this of course places demands upon both the General Fund and the Special

Educational Trust Fund with the attendant risk of proration, a situation abhorrent to the citizenry of this state; and

WHEREAS, in a sincere effort to eliminate the on-going and ever-increasing problems relative to legislative funding, it is the intent of this Act to provide a funding formula that is both workable and responsible; now therefore,

Was read a third time at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bugg, Buskey (John), Butler, Campbell, Carothers, Carter, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Gaston, Gray, Grayson, Grimsley, Grouby, Hammett, Harvey, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Turner, Turnham, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 337. To provide for a state income tax refund check-off designation for the support of programs for the aging in Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to show that Reps. Gaston and Kvalheim inadvertently voted "Nay" on the bill, H. 427, and would like to be recorded as voting "Yea".

And the bill:

H. 66. To amend Section 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights, so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for

compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

Was taken up.

SUBSTITUTE OFFERED

Rep. Buskey (James) offered the following substitute to the bill, H. 66:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights, so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating the same; and to further regulate exceptions and exemptions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-9-1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-9-1. Trailers, when used in a truck tractor-semitrailer-trailer combination, may be operated on the national system of interstate and defense highways, highways with four or more lanes and other highways designated by the highway director. The highway director shall, as a minimum, designate those highways necessary to cause the state of Alabama to be in compliance with federal laws. Additionally, the highway director shall designate such highways of this state as may be necessary for use of twin trailers when such highways are needed for the delivery of twin trailers manufactured by Alabama firms.

"Except as provided above, No no person shall operate any trailer, as defined in this title, on any highway unless such trailer is operated for the purpose of constructing highways or other facilities of the state or a political subdivision thereof. The highway department is authorized to regulate the movement of such trailers from one job to another by special permits issued in the same manner as permits are issued under section 32-9-29. No trailer or semitrailer of any kind shall be used for the hauling of passengers for hire except as provided by article 2 of this chapter.

"The provisions of this article relating to trailers shall not apply to the movement over the highways of trailers manufactured, reconditioned or repaired in this state when reasonably necessary for the delivery of such trailers to the owners or purchasers thereof outside the state; provided, that such movement shall be subject to special permit to be issued without cost by the director of the highway department. Such permits may be issued and may be renewed upon such terms and conditions, in the interest of public safety and the preservation of the highways, as the director of the highway department may in his discretion require, and he may designate the route over which such trailers may be moved and the hours of movement thereof."

Section 2. Section 32-9-20, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-9-20.

"It shall be unlawful for any person to drive or move on any highway in

this state any vehicle or vehicles of a size or weight except in accordance with the following provisions:

~~“(1) WIDTH. — No vehicle shall exceed a total outside width, including any load thereon, of eight feet. No vehicle shall be driven or drawn upon a highway with more than four animals abreast. No passenger vehicle shall carry any load extending beyond the line of the fenders. No vehicle-hauling forest products or culvert pipe shall have a load exceeding 102 inches in width; provided, that these limits shall not be permitted on any interstate or defense highways where such limits are prohibited by federal statute.~~

“(1) WIDTH. — Vehicles and combinations of vehicles, operating on highways with traffic lanes less than twelve feet in width, shall not exceed a total outside width, including any load thereon, of 96 inches, exclusive of mirrors or other safety devices approved by the state highway department. Vehicles and combinations of vehicles, operating on highways with traffic lanes twelve feet or more in width, shall not exceed a total outside width, including any load thereon, of 102 inches, exclusive of mirrors or other safety devices approved by the state highway department. No passenger vehicle shall carry any load extending beyond the line of the fenders. No vehicle hauling forest products or culvert pipe on any highway in this state shall have a load exceeding 102 inches in width.

“(2) HEIGHT. — No vehicle, or semitrailer or trailer shall exceed in height 13½ feet, including load.

“(3) LENGTH. — No vehicle shall exceed in length 40 feet; except, that the length of semitrailer-trucks, including any part of the body or load, shall not exceed 60 feet, but exclusive of detachable wind deflection devices which have been approved by the state highway department semitrailers, including load, used in a truck tractor-semitrailer combination, shall not exceed 50 feet and semitrailers and trailers, including load, used in a truck tractor-semitrailer-trailer combination, shall not exceed 28-½ feet each. For purposes of enforcement of this subdivision, lengths of semitrailers and trailers refer to the cargo carrying portion of the unit. No truck tractor-semitrailer combination or truck tractor-semitrailer-trailer combination used exclusively for transporting motor vehicles shall carry any load extending more than three feet beyond the front of such combination. No other vehicle operated on a highway shall carry any load extending more than a total of five feet beyond both the front and rear, inclusive, of the vehicle. Nothing in this subdivision shall be construed to deny the operation of any length of vehicle or combination of vehicles which could be lawfully operated prior to the effective date of this act.

“(4) WEIGHT.

“a. The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 20,000 pounds, or such other weight, if any, as may be permitted by federal law to keep the state from losing federal funds; provided, that inadequate bridges shall be posted to define load limits.

“b. For the purpose of this section, an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

“c. Subject to the limit upon the weight imposed upon the highway through any one axle as set forth herein, the total weight with load imposed upon the highway by all the axles of a vehicle or combination of vehicles

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shall not exceed the gross weight given for the respective distances between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot as set forth in the following table:

COMPUTED GROSS WEIGHT TABLE

For various spacings of axle groupings

Distance in feet

between first and last

axles of vehicle or Maximum load in pounds on all the axles combination of

vehicles	2 axles	3 axles	4 axles	5 axles	6 axles
8 or less	36,000	42,000	42,000		
9	38,000	42,500	42,500		
10	40,000	43,500	43,500		
11		44,000	44,000		
12		45,000	50,000	50,000	
13		45,500	50,500	50,500	
14		46,500	51,500	51,500	
15		47,000	52,000	52,000	
16		48,000	52,500	58,000	58,000
17		48,500	53,500	58,500	58,500
18		49,500	54,000	59,000	59,000
19		50,000	54,500	60,000	60,000
20		51,000	55,500	60,500	66,000
21		51,500	56,000	61,000	66,500
22		52,500	56,500	61,500	67,000
23		53,000	57,500	62,500	68,000
24		54,000	58,000	63,000	68,500
25		54,500	58,500	63,500	69,000
26		56,000	59,500	64,000	69,500
27		57,000	60,000	65,000	70,000
28		59,000	60,500	65,500	71,000
29		60,000	61,500	66,000	71,500
30			62,000	66,500	72,000
31			63,500	67,000	72,500
32			64,500	68,000	73,500
33			65,000	69,000	74,000
34			65,500	70,000	74,500
35			66,500	71,000	75,000
36			67,000	72,000	76,000
37			68,000	73,000	77,000
38			69,000	74,000	78,000
39			70,000	75,000	79,000
40			71,000	76,000	80,000
41			72,000	77,000	81,000
42			73,000	78,000	82,000

43	74,000	79,000	83,000
44 and over	75,000	80,000	84,000

"Except as provided by special permits, no vehicle or combination of vehicles exceeding the gross weights specified above shall be permitted to travel on the public highways within the state of Alabama.

"No vehicle or combination of vehicles shall be permitted to operate on any portion of the interstate highway system of Alabama that shall have a greater weight than 20,000 pounds carried on any one axle, including all enforcement tolerances, or with a tandem axle weight in excess of 34,000 pounds, including all enforcement tolerances, or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N - 1} + 12N + 36 \right)$$

where W=overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles, and N = number of axles in group under consideration; except, that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, provided consideration; except, that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed 80,000 pounds, including all enforcement tolerances. Nothing in this section shall be construed as permitting size or weight limits on the national system of interstate and defense highways in this state in excess of those permitted under 23 U.S.C. section 127. If the federal government prescribes or adopts vehicle size or weight limits greater than or less than those now prescribed by 23 U.S.C. section 127 for the national system of interstate and defense highways, the increased or decreased limits shall become effective on the national system of interstate and defense highways in this state. Nothing in this section shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated upon the highways and roads of this state on January 4, 1975.

"d. For purposes of enforcement of subdivision (4) of this section, all scaled weights shall be deemed to have a margin of error of 10 percent of the true gross or axle weights.

"e. Dump trucks, dump trailers, concrete mixing trucks, fuel oil, gasoline trucks and trucks designated and constructed for special type work or use shall not be made to conform to the axle spacing requirements of paragraph (4) c of this section; provided, that such vehicle shall be limited to a weight of 20,000 pounds per axle plus scale tolerances; and, provided further, that the maximum gross weight of such vehicles shall not exceed the maximum weight allowed by this section for the appropriate number of axles, irrespective of the distance between axles, plus allowable scale tolerances. All axles shall be brake equipped. Concrete mixing trucks which operate within 50 miles of their home base shall not be required to conform to the requirements of paragraph (4) a of this section; provided, that such vehicles shall be limited to a maximum load of the rated capacity of the concrete mixer, such true gross load not to exceed 66,000 pounds, and all such vehicles shall have at least three axles, each with brake equipped wheels. It shall be a violation if such vehicles named under this subdivision travel

upon bridges designated and posted by the highway director as incapable of carrying such load.

"f. If the driver of any vehicle can comply with the weight requirements of this section by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, said driver shall not be held to be operating in violation of this section.

"g. When portable scales are used in the enforcement of the provisions of this section, the axles of any vehicle described or commonly referred to as tandem or triaxle rigs or units (that is, vehicles having two or more axles in addition to a steering axle), the group of tandem or triaxles shall be weighed simultaneously, and the total weight so derived shall be divided by the number of axles weighed in the group to arrive at the per axle weight, except that if any one axle in the group exceeds 20,000 pounds in weight, it shall not exceed the weight of any other axle in the group by more than 50 percent. When portable scales are used to determine the weight of a vehicle pursuant to this section, the operator of the vehicle will be permitted to move the vehicle to the nearest platform scales certified by the department of agriculture and industries and operated by a bonded operator within a distance of 10 highway miles, accompanied by an enforcement officer to verify the accuracy of the portable scales used in determining the vehicle weight. If the weight of the vehicle is shown by the platform scales to be within the legal limits of this section, the operator of the vehicle shall not be held to be in violation of this section.

"h. The governing body of a county, by appropriate resolution, may authorize limitations less than those prescribed herein for vehicles operated upon the county highways of such county.

"i. The state highway department, for cause, shall have the right to post or limit any road or bridge to weights less than those prescribed by this section. It is the legislative intent and purpose that the provisions of this section be rigidly enforced by the state highway department, the department of public safety and any other authorized law-enforcement officers of the state, any county or city and incorporated towns.

"j. Two and three axle vehicles being used exclusively for the purpose of transporting agricultural commodities or products to and from a farm and for agricultural purposes relating to the operation and maintenance of a farm by any farmer, custom harvester or husbandman may not be made to conform to the axle requirements of paragraph (4) a of this section or the gross weight requirements of paragraph (4) c of this section."

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 41; Nays 1.

Yeas:

Mr. Speaker, Bowling, Brooks, Bryant, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Escott,

Faulk, Gaston, Goodwin, Grayson, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lindsey, McMillan, Mathis, Newman, Nicholson, Payne, Perdue, Poole, Richardson, Rogers, Seibels, Smith, Turner, White (G), White (L) and Zoghby.

—41

Nay: Rep. Adams.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 66 TEMPORARILY POSTPONED

On motion of Rep. Buskey (James), the bill, H. 66 as amended, was temporarily postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 138. COMMENDING MR. J. E. "NED" BEARDEN, PROMINENT SHELBY COUNTY DAIRYMAN AND CIVIC LEADER.

Also:

H. J. R. 140. COMMENDING MRS. LENA F. (LEE) CANNON FOR OUTSTANDING SERVICE WITH THE ALABAMA COOPERATIVE EXTENSION SERVICE AND ALABAMA PUBLIC TELEVISION.

Also:

H. J. R. 141. COMMENDING MR. THOMAS Z. ATKESON OF DECATUR, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 143. MOURNING THE DEATH OF MR. JAMES McCOY MAYS OF ATMORE, ALABAMA.

Also:

H. J. R. 144. HONORING THE CARVER HIGH SCHOOL WOLVERINES, STATE 4-A BASKETBALL CHAMPIONS.

Also:

H. J. R. 146. COMMENDING OMICRON LAMBDA CHAPTER OF ALPHA PHI ALPHA FRATERNITY.

Also:

H. J. R. 147. MOURNING THE DEATH OF STATE CONSERVATION OFFICER GRADY RUSSELL JACKSON.

Also:

H. J. R. 150. COMMENDING MR. AND MRS. LUTHER EDGAR BETHUNE ON THEIR 53RD WEDDING ANNIVERSARY.

Also:

H. J. R. 151. COMMENDING MR. NORMAN H. DAVIS FOR OUTSTANDING SERVICE AS DIRECTOR OF THE MOBILE COUNTY EMERGENCY MANAGEMENT AGENCY.

Also:

H. J. R. 152. COMMENDING DOTHAN HIGH SCHOOL BAND AND DIRECTORS, TONY AND RHONDA WHETSTONE.

Also:

H. J. R. 153. COMMENDING BUNNIE E. SUTTON, MOBILE, ALABAMA, FOR HER OUTSTANDING CIVIC AND CHARITABLE CONTRIBUTIONS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 117. COMMENDING MR. W. O. LANCE OF LANETT, PROMINENT ALABAMA EDUCATOR.

Also:

H. J. R. 118. COMMENDING MR. JERRY BELK OF TUSCALOOSA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 119. COMMENDING MRS. ALFRED F. DELCHAMPS, JUNIOR, MOBILE'S FIRST LADY FOR 1983.

Also:

H. J. R. 120. COMMENDING ALABAMA NATIONAL GUARD OFFICERS TERRY AND MARY CARTER.

Also:

H. J. R. 121. COMMENDING MR. ALBERT M. PHILIPS OF SILVERHILL, ALABAMA.

Also:

H. J. R. 129. COMMENDING WALKER REBELS.

Also:

H. J. R. 130. MOURNING THE DEATH OF MR. FINIS EWING ST. JOHN, JUNIOR, OF CULLMAN, ALABAMA.

McDOWELL LEE,
Secretary.

H. 62 TEMPORARILY POSTPONED

On motion of Rep. Coleman, the bill, H. 62, was temporarily postponed.

And the bill:

H. 50. To amend Section 26-10-5, Code of Alabama 1975, relating to adoption procedures and rights of natural and adopting parents, so as to provide further for certain rights of natural grandparents of the minor child.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Reps.: Adams, Bachus, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Martin, Mathis, Melton, Mikell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), and Zoghby.

—84

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 50:

Mr. Speaker, Adams, Albright, Bachus, Beers, Blake, Blakeney, Box, Brakefield, Bryant, Bugg, Buskey (James), Butler, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Gaston, Gray, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, Melton, Mikell, Moore, Newman, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), and Zoghby.

And the bill:

H. 223. (With Substitute): To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize any state employee or retired person or beneficiary under any retirement system administered by the state to elect to have funds for his salary or retirement allowance electronically transferred for deposit in the financial institution of his choice.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Banking, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to au-

thorize by approval of the payee any state warrant to be deposited in or electronically transferred to any financial institution with this capability.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-4-50 of the Code of Alabama 1975, is amended to read as follows:

"Section 41-4-50.

"There shall be in the department of finance the division of control and accounts. The functions and duties of the division of control and accounts shall be as follows:

"(1) To keep all books, records and accounts relating to the finances of the state government (including the budget accounts) which are authorized or required to be kept by the department of finance, in accordance with recognized standards of public accounting and in such a manner as at all times to reveal the true financial status of the state government and of each special fund and account in the state treasury.

"(2) To control and make records of all payments into and out of the state treasury and each special fund and account therein.

"(3) To audit currently all receipts and receivables.

"(4) To preaudit and determine the correctness and legality of every claim and account submitted for the issuance of a warrant and to determine that funds have been appropriated and allotted and are then available in the state treasury for the payment of such claim or account before any warrant on the state treasury shall be issued; except, that the preaudit of claims for unemployment compensation or ~~confederate widows' pensions~~ or public assistance or child welfare or income tax refunds shall be performed by the department or departments having charge of the other functions and duties relating to unemployment compensation, ~~confederate widows' pensions~~ or public assistance, or child welfare, or income tax refunds subject to the general supervision of the division of control and accounts.

"(5)(a) To draw every warrant authorized to be drawn upon the state treasury and any fund wherein, whether a special or earmarked fund or not.

"(b) Any law to the contrary notwithstanding, any or all warrants issued by the division of control and accounts may be transferred or deposited electronically or by other acceptable methods to any financial institution capable of handling direct deposits by electronic transfer or other acceptable methods if written approval is given by the original payee of said warrant. The state comptroller shall maintain files on all written approvals given by original payees and separate records on all transfers of funds authorized in this subsection and shall furnish sufficient documentation for the purpose of auditing and reconciling such electronic financial transactions.

"(6) To secure such information and data, to prepare or make such studies and reports and to perform such other functions and duties of the department of finance as may from time to time be assigned by the director of finance."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective January 1, 1985, upon its becoming a law.

And the substitute was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beers, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Buskey (John), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Gaston, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Lauderdale, McDowell, McKee, McMillan, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (G), and Zoghby.

—61

And the bill:

H. 223. To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize by approval of the payee any state warrant to be deposited in or electronically transferred to any financial institution with this capability.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Campbell, Carter, Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Gaston, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuit, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), and Zoghby.

—79

And the bill:

H. 571. Relating to the practice and occupations of plumbing and gas fitting work; to provide for the optional certification of such practices at a state level; to define legislative intent and definitions; to create the Alabama Board of Plumbing and Gas Certification; to provide for the composition, meetings, business, powers and responsibilities of the board; to provide for local programs of certifying plumbers and gas fitters; to administer examinations, fees, and performance bonds of applicants who seek board certification; to provide for the deposit and use of fees; to make an appropriation from the state general fund to initiate the state program; to provide exceptions to this act; to preserve local programs operating pursuant to Act No.

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529, H. 977, 1949 Regular Session; to expressly authorize future local laws for local certification programs; to authorize the publishing and distribution of a list of the board's certificates; to provide for a grievance procedure for actions of the board; to provide for enforcement of the provisions of this act; to authorize reciprocal agreements with other states; and to prescribe penalties for violations of this act.

Was taken up.

AMENDMENT OFFERED

Rep. McKee offered the following amendment to the bill, H. 571:

On page 6, lines 11 through 20, delete all the language in subsection (b) and insert in lieu thereof:

(b) All monies received by the Board shall be deposited into the state general fund.

AMENDMENT ADOPTED

and the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Mathis, Mikell, Moore, Newman, Onderdonk, Parker, Payne, Penry, Perdue, Preuitt, Reed, Richardson, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Warren, White (F), White (G), and White (L)

—68

And the bill, H. 571, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 1.

Yeas:

Mr. Speaker, Bachus, Beers, Blake, Bowling, Box, Brakefield, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McDowell, Mathis, Melton, Mikell, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Preuitt, Reed, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Warren, White (F), White (G), White (L) and Zoghby.

—66

Nay: Rep. Holley.

—1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 571:

Mr. Speaker, Blakeney, Clark (W), Coleman, Faulk, Gaston, Gray, Hall, Lauderdale, Onderdonk, Preuitt, Richardson, Starr and Turner.

And the bill:

H. 197. To require the Alabama Department of Conservation and Natural Resources to enter into an agreement with the U.S. Forest Service to expand the boundaries of the existing Black Warrior Wildlife Management Area; and to provide further for the marking of, management of, and hunting on the expanded area.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 5.

Yeas:

Mr. Speaker, Bachus, Beers, Black, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Gaston, Goodwin, Gray, Grayson, Harper, Hettinger, Holley, Horn, Johnson (Roy), Junkins, Kvalheim, Lindsey, McDowell, McMillan, Melton, Mikell, Newman, Nicholson, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—61

Nays: Reps.: Grouby, Hall, McKee, Mitchell and Richardson.

—5

And the bill:

H. 290. To provide for commercial operation of billiard tables on the premises of businesses located in certain areas of the several counties of this state when such operation has been licensed by the judge of probate as provided in Article 2, Chapter 6, Title 34 of the Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 3.

Yeas:

Reps.: Black, Blakeney, Box, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McDowell, McMillan, Melton, Newman, Onderdonk, Payne, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rogers, Sasser, Seibels, Spratt, Starkey, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—53

Nays: Mr. Speaker, Mitchell and Smith.

—3

CO-SPONSOR ADDED

The following were added as co-sponsors to the bill, H. 290:

Reps. Blakeney, Bowling, Box, Brakefield, Butler, Clark (D), Davis, Dutton, Goodwin, Gray, Grayson, Hall, Johnson (Roy), Junkins, Lauderdale, Melton, Nicholson, Perdue, Preuitt, Rogers, Seibels, White (L) and Zoghby.

And the bill:

H. 122. (With Amendment): To amend Section 16-35-1, Code of Alabama, 1975, so as to provide for the qualifications and number of the members of the State Courses of Study Committee.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Education, said committee amendment being as follows:

Amend H. B. 122 by striking in its entirety subsection (b), Section 1 on page 2 and substituting in lieu thereof the following:

(b) four members from the state at-large actively engaged in a supervisory or administrative capacity in the field of education and who are knowledgeable or who have had previous teaching experience in the course of study areas to be revised during their term of office;

And the amendment was adopted.

Yeas 50; Nays 1.

Yeas:

Mr. Speaker, Black, Blakeney, Box, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (W), Coleman, Davis, Faulk, Gaston, Grayson, Hall, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McDowell, McMillan, Mathis, Melton, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Rains, Reed, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, White (G), White (L) and Zoghby.

—50

Nay: Rep. Hettinger.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 122, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Goodwin, Grayson, Hall, Harper, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Lauderdale, McDowell, McMillan, Marietta, Mathis, Melton, Newman,

Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuit, Reed, Rogers, Spratt, Starr, Thomas, Warren, and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 346. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Faulk, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuit, Reed, Seibels, Smith, Starkey, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (G), and Zoghby.

—79

CO-SPONSOR ADDED

Rep. Box was added as co-sponsor to the bill, H. 346.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 54. To provide further for funding of legislative services and to establish procedures therefor.

WHEREAS, operational expenses and all other financial obligations of the Legislature are derived from the state's General and Special Educational Trust Funds and must therefore be budgeted in advance, as is the case with all state departments similarly funded; and

WHEREAS, the Legislature, however, and perhaps more often than

any other department or agency, is required by law to respond to emergency situations which can neither be foreseen or budgeted in advance; and

WHEREAS, most particularly in recent years, the Legislature, through no fault of its own, has been increasingly faced with situations of an emergency nature including but not limited to numerous unplanned extraordinary sessions and the subsequent costs thereof; and

WHEREAS, the Legislature, in order to meet such financial obligations, has therefore been forced to pass supplemental appropriation bills; this of course places demands upon both the General Fund and the Special Educational Trust Fund with the attendant risk of proration, a situation abhorrent to the citizenry of this state; and

WHEREAS, in a sincere effort to eliminate the on-going and ever-increasing problems relative to legislative funding, it is the intent of this Act to provide a funding formula that is both workable and responsible; now therefore,

MCDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 81. (With Substitute) (With Amendment): To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6, 32-7-16 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to provide what the term "uninsured motor vehicle" shall include under the uninsured motorist coverage section of the Motor Vehicle Safety-Responsibility Act, increases the amount of payment on judgments necessary to satisfy the requirements of the Motor Vehicle Safety-Responsibility Act, and to increase the minimum amount of liability required under a motor vehicle liability policy under the Motor Vehicle Safety-Responsibility Act.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Coleman to indefinitely postpone the bill, H. 81 and pending substitute and amendment, was lost.

Yeas 44; Nays 46.

Yeas:

Reps.: Black, Blake, Bowling, Browder, Bryant, Butler, Clark (J), Coleman, Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, McKee, McMillan, Mikell, Newman, Payne, Penry, Perdue, Preuitt,

Richardson, Rogers, Sasser, Seibels, Smith, Starr, Turnham, Warren, White (F), White (L) and Zoghby.

—44

Nays:

Mr. Speaker, Adams, Albright, Bachus, Blakeney, Boles, Box, Britnell, Brooks, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Fuller, Gray, Grayson, Hettinger, Holmes, Horn, Johnson (Roy), Lauderdale, Lindsey, McDowell, Marietta, Mathis, Melton, Moore, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Reed, Spratt, Starkey, Tanner, Trammell, Turner, and Venable.

—46

MOTION TO POSTPONE TABLED

On motion of Rep. Marietta, the motion offered by Rep. Sasser to postpone the bill, H. 81, and the pending amendment and substitute to the nineteenth legislative day, was tabled.

Yeas 44; Nays 42.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Blakeney, Boles, Box, Britnell, Brooks, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Fuller, Grayson, Hall, Hettinger, Holmes, Johnson (Roy), Lauderdale, Lindsey, McDowell, Marietta, Mathis, Melton, Moore, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Reed, Starkey, Tanner, Thomas, Turner, and Venable.

—44

Nays:

Reps.: Blake, Bowling, Browder, Burke, Butler, Clark (J), Coleman, Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grimsley, Grouby, Hammett, Harper, Harvey, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, McKee, McMillan, Mikell, Newman, Payne, Penry, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starr, Turnham, Warren, White (F), White (L) and Zoghby.

—42

MOTION TO ADJOURN LOST

The motion offered by Rep. Sasser that the House adjourn until 12:00 o'clock noon, Tuesday, April 3, 1984, was lost.

Yeas 33; Nays 50.

Yeas:

Reps.: Bowling, Brakefield, Burke, Coleman, Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grimsley, Grouby, Hammett, Harper, Harvey, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, McKee, McMillan, Newman, Payne, Preuitt, Rice, Sasser, Seibels, Turnham, Warren, White (F), and Zoghby.

—33

Nays:

Mr. Speaker, Adams, Albright, Bachus, Blake, Blakeney, Boles, Box,

Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Ford, Fuller, Grayson, Hall, Holmes, Johnson (Roy), Lauderdale, McDowell, Marietta, Martin, Mathis, Melton, Moore, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Rains, Richardson, Smith, Tanner, Thomas, Turner, Venable and White (L).

—50

H. 81 RESUMED

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6, 32-7-16 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to provide what the term "uninsured motor vehicle" shall include under the uninsured motorist coverage section of the Motor Vehicle Safety-Responsibility Act, increases the amount of payment on judgments necessary to satisfy the requirements of the Motor Vehicle Safety-Responsibility Act, and to increase the minimum amount of liability required under a motor vehicle liability policy under the Motor Vehicle Safety-Responsibility Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-7-5, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-5. The operator of every motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which damage to the property of any one person, including himself, in excess of ~~\$50.00~~ \$250.00 is sustained, shall within 10 days after such accident report the matter in writing to the director. Such report, the form of which shall be prescribed by the director, shall contain only such information as may be necessary to enable the director to determine whether the requirements for the deposit of security under section 32-7-6 are inapplicable by reason of existence of insurance or other exceptions specified in this chapter. The director may rely upon the accuracy of the information unless and until he has reason to believe that the information is erroneous. If such operator is physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, within 10 days after learning of the accident, make such report. The operator or the owner shall furnish such additional relevant information as the director shall require."

Section 2. Section 32-7-6, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-6. (a) Security required unless evidence of insurance; when security determined. If 20 days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of ~~\$50.00~~ \$250.00, the

director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the director shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

“(b) Suspension — The director shall, within 60 days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided that notice of such suspension shall be sent by the director to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security. Where erroneous information is given the director with respect to the matters set forth in subdivisions (1), (2) or (3) of subsection (c) of this section, he shall take appropriate action as hereinbefore provided within 60 days after receipt of him of correct information with respect to said matters.

“(c) Exception — This section shall not apply under the conditions stated in Section 32-7-7 nor:

“(1) to such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

“(2) to such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

“(3) to such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgement of the director, covered by any other form of liability insurance policy or bond; nor

“(4) to any person qualifying as a self-insurer under section 32-7-34, or to any person operating a motor vehicle for such self-insurer.

“No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state; except, that if such motor vehicle was not registered in this state; or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, that every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$19,000.00 \$25,000.00 because of bodily injury to or death of one person in any one accident and subject to said limit for one person, to a limit of not less than \$20,000.00 \$50,000.00 because of bodily injury to or death of two or more persons in

any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than ~~\$5,000.00~~ \$10,000.00 because of injury to or destruction of property of others in any one accident."

Section 3. Section 32-7-16, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-16. Judgments herein referred to shall, for the purpose of this chapter only be deemed satisfied:

"(1) when ~~\$10,000.00~~ \$25,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

"(2) when, subject to such limit of ~~\$10,000.00~~ \$25,000.00 because of bodily injury to or death of one person, the sum of ~~\$20,000.00~~ \$50,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

"(3) when ~~\$5,000.00~~ \$10,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

"Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section."

Section 4. Section 32-7-23, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-23. (a) No automobile liability or motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in limits of bodily injury or death set forth in subsection (c) of section 32-7-6, under provisions approved by the commissioner of insurance for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom; provided, that the named insured shall have the right to reject such coverage; and provided further that unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with the policy previously issued to him by the same insurer.

"(b) The term 'uninsured motor vehicle' shall include, but is not limited to, motor vehicles with respect to which: (1) neither the owner nor the operator carries bodily injury liability insurance; (2) any applicable policy liability limits for bodily injury are below the minimum required under section 32-7-6; (3) the insurer becomes insolvent after the policy is issued so there is no insurance applicable to, or at the time of, the accident; (4) the owner or operator of the vehicle causing the accident is unknown; (5) the sum of the limits of liability under all bodily injury liability bonds and insurance policies available to an injured person after an accident is less than the damages which the injured person is legally entitled to recover."

Section 5. This Act shall become effective immediately following its

passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Blakeney, Boles, Box, Britnell, Brooks, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Gray, Grayson, Hall, Hammett, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, Mathis, Melton, Moore, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Seibels, Starkey, Tanner, Thomas, Turner, Venable, and White (L).

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

On page 2, Line 9 and Line 30, delete the figure "\$250.00" and insert in lieu thereof:

\$150.00

And the amendment was adopted.

Yeas 44; Nays 3.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Boles, Box, Brooks, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Faulk, Gaston, Grayson, Hall, Harper, Holmes, Johnson (Roy), Junkins, Laird, Lauderdale, Mathis, Moore, Newman, Nicholson, Onderdonk, Poole, Pratt, Rains, Richardson, Starkey, Tanner, Thomas, Turner, Venable and Zoghby.

—44

Nays: Reps.: Bowling, Holley and White (L).

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO POSTPONE TABLED

On motion of Rep. Marietta, the motion offered by Rep. Coleman to postpone further consideration of the bill, H. 81 as amended, to the eighteenth legislative day, was tabled.

REGULAR SESSION
14th Day

785

Yeas 44; Nays 43.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Black, Blakeney, Boles, Box, Britnell, Brooks, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Fuller, Grayson, Hall, Hettinger, Holmes, Johnson (Roy), Lauderdale, Marietta, Mathis, Melton, Moore, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Reed, Spratt, Starkey, Tanner, Thomas, Turner, and Venable.

—44

Nays:

Reps.: Blake, Bowling, Browder, Bryant, Burke, Butler, Clark (J), Coleman, Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grimsley, Grouby, Hammett, Harper, Harvey, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, McKee, McMillan, Mikell, Newman, Payne, Penry, Preuit, Rice, Richardson, Sasser, Seibels, Smith, Starr, Turnham, Warren, White (F), White (G), and Zoghby.

—43

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. McKee to postpone further consideration of the bill, H. 81 as amended, to the twentieth legislative day, was tabled.

Yeas 47; Nays 45.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Black, Blakeney, Boles, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (W), Coburn, Crow, Davis, Fuller, Grayson, Hall, Hettinger, Holmes, Horn, Johnson (Roy), Lauderdale, McDowell, Marietta, Mathis, Melton, Moore, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Reed, Spratt, Starkey, Tanner, Thomas, Turner, and Venable.

—47

Nays:

Reps.: Blake, Bowling, Brakefield, Browder, Burke, Butler, Carothers, Clark (J), Coleman, Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grimsley, Grouby, Hammett, Harper, Harvey, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, McKee, McMillan, Mikell, Newman, Payne, Penry, Preuit, Rice, Richardson, Sasser, Seibels, Smith, Starr, Trammell, Turnham, Warren, White (F), White (L) and Zoghby.

—45

MOTION TO POSTPONE TABLED

On motion of Rep. Marietta, the motion offered by Rep. Coleman to postpone further consideration of the bill, H. 81 as amended, to the seven-teenth legislative day, was tabled.

Yeas 46; Nays 45.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Black, Blakeney, Boles, Box,

Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (W), Coburn, Crow, Davis, Fuller, Grayson, Hall, Hettinger, Holmes, Johnson (Roy), Lauderdale, McDowell, Marietta, Mathis, Melton, Moore, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Rice, Spratt, Starkey, Tanner, Thomas, Turner, and Venable

—46

Nays:

Reps.: Beers, Blake, Bowling, Brakefield, Browder, Burke, Butler, Carothers, Clark (J), Coleman, Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grimsley, Grouby, Hammett, Harper, Harvey, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, McKee, McMillan, Mikell, Newman, Payne, Penry, Preuitt, Richardson, Sasser, Seibels, Smith, Starr, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—45

MOTION TO POSTPONE

Rep. Harvey offered the motion to postpone further consideration of the bill, H. 81 as amended, to the sixteenth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (Roy) to table the motion offered by Rep. Harvey to postpone the bill, H. 81 as amended, to the sixteenth legislative day, was lost.

Yeas 45; Nays 47.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Black, Blakeney, Boles, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (W), Coburn, Crow, Davis, Dutton, Gray, Grayson, Hall, Hettinger, Holmes, Johnson (Roy), Lauderdale, McDowell, Marietta, Mathis, Melton, Moore, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Spratt, Starkey, Tanner, Thomas, Turner, and Venable.

—45

Nays:

Reps.: Beers, Blake, Bowling, Brakefield, Browder, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, McKee, McMillan, Mikell, Newman, Payne, Penry, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starr, Trammell, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—47

H. 81 POSTPONED

The question was then on the motion offered by Rep. Harvey to postpone further consideration of the bill, H. 81 as amended, to the sixteenth legislative day, and the motion was adopted.

Yeas 48; Nays 46.

Yeas:

Reps.: Beers, Blake, Bowling, Brakefield, Browder, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, McKee, McMillan, Mikell, Newman, Payne, Penry, Preuitt, Rice Richardson, Rogers, Sasser, Seibels, Smith, Starr, Trammell, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—48

Nays:

Mr. Speaker, Adams, Albright, Bachus, Black, Blakeney, Boles, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (W), Coburn, Crow, Davis, Dutton, Grayson, Hall, Hettinger, Holmes, Horn, Johnson (Roy), Lauderdale, McDowell, Marietta, Mathis, Melton, Moore, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Reed, Spratt, Starkey, Tanner, Thomas, Turner, and Venable.

—46

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bill hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:55 A.M. on March 29, 1984.

H. 13

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 182, heretofore adopted, the House adjourned until 12:00 o'clock noon, Tuesday, April 3, 1984.

Yeas 43; Nays 42.

Yeas:

Mr. Speaker, Albright, Beers, Black, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Buskey (James), Buskey (John), Carter, Clark (W), Coleman, Cosby, Crow, Flowers, Goodwin, Grimsley, Hammett, Harvey, Holmes, Johnson (Roy), Lauderdale, McKee, Mathis, Newman, Nicholson, Parker, Payne, Pratt, Preuitt, Rains, Reed, Rice, Sasser, Seibels, Starkey, Thomas, Venable, Warren, and White (F).

—43

Nays:

Reps.: Bachus, Blake, Blakeney, Browder, Bugg, Butler, Campbell, Carothers, Clark (J), Davis, Dutton, Faulk, Gaston, Grouby, Hall, Harper, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Junkins, Kvalheim, Laird, McDowell, McMillan, Marietta, Mikell, Penry, Perdue, Poole, Richardson,

Rogers, Smith, Spratt, Starr, Tanner, Turner, Turnham, White (G), White (L) and Zoghby.

—42

FIFTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 3, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Jim Spencer, Pastor, Pineview Baptist Church, Thomasville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey, (James), Buskey, (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—105

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourteenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the reading at length of the Journal of the House for the fourteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourteenth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit:

H. 221. This bill amends Section 40-18-5, Code of Alabama 1975 by raising the tax rate of individuals from 5% to 6% on taxable income above \$8,000.00. This bill further amends Section 40-18-19, Code of Alabama, 1975, by exempting the first \$8,000.00 of certain retirement compensation received by Alabama residents.

Also:

H. 223. To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize by approval of the payee any state warrant to be deposited in or electronically transferred to any financial institution with this capability.

Also:

H. 235. To exempt from the special property tax levied in the amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama agricultural and forest property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons or a family farm corporation, up to an amount not exceeding \$50,000 in assessed value; to provide a procedure for application for and the administration of said exemption; and to provide an effective date for the Act.

Also:

H. 236. To amend Section 40-9-19, Code of Alabama 1975, as previously amended, so as to define the types of local school taxes subject to the homestead exemption; and to provide an effective date for the Act.

JIMMY CLARK,
Chairman.

And the bills, H. 221, H. 223, H. 235 and H. 236, as engrossed were ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 427. To exempt from the special property tax levied in the amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama, Class II real property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons, up to an amount not exceeding \$40,000 in assessed value; to provide a procedure for applica-

tion for and the administration of said exemption; and to provide an effective date for the Act.

JIMMY CLARK,
Chairman.

And the bill, H. 427, as engrossed, was ordered sent to the Senate.

BILLS ON SECOND READING

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 643. Relating to St. Clair County; providing for the filing for record and the preservation of all orders and decrees made and entered by any judge of the circuit court in St. Clair County.

H. 664. Relating to Escambia County; to provide that Four Million Dollars (\$4,000,000.00) of the proceeds of the oil and gas severance tax paid to Escambia County, Alabama under provisions of Section 40-20-8, Code of Alabama, 1975, as amended, during the fiscal year 1983-84 together with twenty percent (20%) of the annual income thereon each year thereafter beginning with the fiscal year 1984-85 shall become the corpus of a trust and remain the corpus of said trust for a period of twenty years; to provide for the appointment of trustees of the trust; to provide for the investment of the corpus of the trust for the payment of eighty percent (80%) of the investment income thereon into the general fund of Escambia County; and to provide that the provisions of this Act shall terminate twenty years from the date of its enactment.

S. 389. To propose an amendment to Amendment No. 432 of the Constitution of Alabama of 1901, relating to fire protection districts in Etowah County, so as to provide for the levy and collection of additional property tax for fire protection in such districts.

The above bill was read a second time at length as required by the Constitution.

Rep. Horn, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 288. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, including an extensive amendment by Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973 (Acts 1973, page 2124), which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last of any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system

applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which such city may be located," so as to provide that both officers participating in the System as well as all other Participants shall be eligible to receive a deferred retirement benefit and said deferred retirement benefit shall vest in favor of the officer or Participant upon the completion of at least sixteen (16) years of Credited Service.

RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. R. 191. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That the following bills in the order named be made the special, paramount and continuing order of business beginning Tuesday, April 3, 1984, taking precedence over any other business of the House and any other pending Special Order until such time as said bills are disposed of:

<u>Bill No.</u>	<u>Sponsor</u>	<u>Short Title</u>	<u>Page</u>
H. 181 (w/amdt.)	Starkey	Inspection fee on gasoline	32 (supp.)
H. 182 (w/amdt.)	Starkey	License taxes/trucks and tractors	33 (supp.)
H. 183 (w/amdts.)	Starkey	County Commissions; gasoline tax and distribution	34 (supp.)
H. 670 (w/amdt.)	Browder	Educational reform; comprehensive plan	86 (supp.)

On motion of Rep. Clark (J), the resolution, H. R. 191, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 192. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, April 3, 1984, we adjourn to meet again on Thursday, April 5, 1984, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 192, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 181. (With Amendment): To amend Section 8-17-87, Code of Alabama, 1975, to provide that the inspection fee on gasoline be increased to \$.02 per gallon and the inspection fee on diesel fuel be increased to \$.02 per gallon. To amend Section 8-17-91, Code of Alabama, 1975, as amended, to

provide for distribution of permit fees, inspection fees, penalties; refund of overpayments and to provide for appropriation of funds.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. B. 181, page 1, Section 1, Subsection (a) (1), lines 29 and 30 by striking said subsection (a) (1) and inserting in lieu thereof the following:

(1) Gasoline, ~~one fortieth of \$.01~~ \$0.2 per gallon.

AMENDMENT TABLED

On motion of Rep. Starkey, the amendment reported by the Standing Committee on Ways and Means, was tabled.

Yeas 42; Nays 1.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Box, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carter, Coburn, Crow, Davis, Faulk, Ford, Fuller, Gaston, Gray, Grayson, Hall, Harvey, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Mathis, Mikell, Moore, Penry, Perdue, Pratt, Sasser, Smith, Starkey, Starr, Warren, White (G), White (L) and Zoghby.

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Nay: Rep. Poole.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills and Senate Joint Resolutions, your signature thereto is requested:

S. 30. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 33. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Alcoholic Beverage Control Board as provided in Sections 28-3-40 through 28-3-53, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. J. R. 45. AUTHORIZING THE JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE ALABAMA AERONAUTICS COMMISSION TO EMPLOY AN INVESTIGATOR.

Also:

S. J. R. 83. EXPRESSING APPRECIATION TO THE U.S. MARINES WHO SERVED IN LEBANON.

Also:

S. J. R. 109. REQUIRING ALL AGENCIES OF THIS STATE AND THEIR POLITICAL SUBDIVISIONS TO PURCHASE ALL ARTICLES AND PRODUCTS NECESSARY BY SUCH AGENCIES FROM THE DEPARTMENT OF CORRECTIONS AS REQUIRED BY TITLE 14, SECTION 7, PARAGRAPH 13.

Also:

S. J. R. 107. COMMENDING AND CONGRATULATING CLAY COUNTY HOSPITAL AND NURSING HOME.

Also:

S. J. R. 112. MOURNING THE UNTIMELY AND TRAGIC DEATH OF MRS. MURREL LOLLEY RICHMOND.

Also:

S. J. R. 115. MOURNING THE DEATH OF MRS. KATHLEEN McCLAIN LAWSON.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FOR THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 120. To authorize and make provision for the incorporation of railroad authorities as public corporations for the purpose of acquiring, constructing, equipping, improving, maintaining, developing and operating railroads, railroad properties and facilities, and other buildings and facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama in which there are located certain railroad properties that the operator thereof has notified the Interstate Commerce Commission of an intention to abandon, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain powers, subject to certain limitations; to exempt each such Authority from laws and

regulations relating to the advertising and award by the State and its departments and by local governmental authorities of construction or purchase contracts and from all Alabama Public Service Commission regulation other than rate regulation; to provide that any county, city, town or other political subdivision, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the income of any such Authority; to exempt all property of any such Authority from all taxation, subject to certain limitations insofar as exemption from state property taxation is concerned; to authorize the investment of any idle funds of any county, city or town within the State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

McDOWELL LEE
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately

after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

H. 181 RESUMED

AMENDMENT OFFERED

Rep. Starkey offered the following amendment to the bill, H. 181:

Amend H. B. 181, page 1, Section 1, Subsection (a) (1), Lines 29 and 30 by striking said subsection (a) (1) and inserting in lieu thereof the following:

(1) Gasoline, ~~one fortieth of~~ \$.01 \$.02 per gallon.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Blakeney, Box, Browder, Bugg, Burke, Campbell, Carter, Coburn, Crow, Davis, Faulk, Fuller, Gaston, Grayson, Grouby, Hall, Harvey, Mathis, Melton, Moore, Perdue, Poole, Pratt, Rogers, Sasser, Smith, Starkey, Starr, Turner, Warren, White (G), White (L) and Zogby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SUBSTITUTE OFFERED

Rep. Gray offered the following substitute to the bill, H. 181 as amended:

A BILL
TO BE ENTITLED
AN ACT

To provide for the levy and collection of certain additional sales and use taxes on certain automotive vehicles, truck trailers, semi-trailers, house trailers and machines, paralleling those taxes now levied on such vehicles, trailers and machines by Sections 40-23-2 and 40-23-61 of the Code of Alabama 1975 and to provide for certain distribution of the proceeds from such additional taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against and upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any new automotive vehicle, truck, truck trailer, semi-trailer or house trailer, an amount equal to two and one-half percent (2½%) of the gross

proceeds of sale of said automobile vehicle, truck, truck trailer, semi-trailer or house trailer.

Where any used automobile vehicle, truck, truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Section 2. The net proceeds from any revenues generated through the levy and collection of the additional sales and use taxes imposed by this act shall be distributed as follows:

a. Fifty percent (50%) of such net proceeds shall be allocated to the several counties with each county being entitled to a share directly proportional to its percentage of total collections; and

b. Fifty percent (50%) of such net proceeds shall be allocated to the state highway department public road and bridge fund.

Section 3. The state revenue commissioner is hereby authorized to promulgate and implement such rules and regulations, including but not limited to the revision of printed forms and materials, as shall be necessary to carry out the provisions of this act.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AMENDMENT TABLED

On motion of Rep. Starkey, the substitute offered by Rep. Gray to the bill, H. 181 as amended, was tabled.

Yeas 49; Nays 15.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blakeney, Britnell, Browder, Bugg, Campbell, Carter, Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Flowers, Ford, Fuller, Gaston, Goodwin, Grimsley, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, McKee, McMillan, Melton, Moore, Newman, Onderdonk, Parker, Payne, Penry, Perdue, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Turner, Venable, Warren, White (F) and Zoghby.

—49

Nays:

Reps.: Beers, Boles, Brakefield, Brooks, Gray, Hall, McDowell, Martin, Mikell, Nicholson, Poole, Rains, Seibels, Turnham and White (G).

—15

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 3. CREATING A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE STEEL INDUSTRY

Also:

H. J. R. 159. HONORING MELVIN ROBERTS ON HIS RETIREMENT FOLLOWING 31 YEARS OF SERVICE TO THE CITY OF FOLEY, ALABAMA

Also:

H. J. R. 160. COMMENDING THE STUDENT GOVERNMENT ASSOCIATION OF SOUTHERN UNION STATE JUNIOR COLLEGE, WADLEY.

Also:

H. J. R. 162. MOURNING THE DEATH OF MRS. PEARL WILLIAMS BOADLEY OF MOBILE, ALABAMA.

Also:

H. J. R. 163. COMMENDING MR. WAYNE WASHAM, DIRECTOR OF THE ARAB HIGH SCHOOL BAND.

Also:

H. J. R. 167. MOURNING THE DEATH OF JUDGE WILEY HICKMAN OF GADSDEN, ALABAMA.

Also:

H. J. R. 168. COMMENDING MR. LOWELL GALLOWAY, PROMINENT ALBERTVILLE, ALABAMA, BANKER.

Also:

H. J. R. 169. COMMENDING FORMER REPRESENTATIVE PHIL KELLEY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 173. MOURNING THE DEATH OF MRS. FRANCES ELIZABETH LITTLE OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 174. COMMENDING JEMISON HIGH SCHOOL'S GIRLS BASKETBALL TEAM, RUNNER-UP FOR THE STATE 2-A CHAMPIONSHIP.

Also:

H. J. R. 175. COMMENDING MR. JOHN STOWERS, JUNIOR, OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 176. CONGRATULATING MR. AND MRS. ORVILLE W. TANNER OF HARTSELLE, ALABAMA, ON THEIR FORTHCOMING 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 177. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE CHARGERS' ICE HOCKEY ACCOMPLISHMENTS.

Also:

H. J. R. 179. COMMENDING MISS PAULETTE LOUISE McKELLAR OF MOBILE, ALABAMA, 1983 ALL-AMERICAN CHEERLEADER.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 117. COMMENDING MR. W. O. LANCE OF LANETT, PROMINENT ALABAMA EDUCATOR.

Also:

H. J. R. 118. COMMENDING MR. JERRY BELK OF TUSCALOOSA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 119. COMMENDING MRS. ALFRED F. DELCHAMPS, JUNIOR, MOBILE'S FIRST LADY FOR 1983.

Also:

H. J. R. 120. COMMENDING ALABAMA NATIONAL GUARD OFFICERS TERRY AND MARY CARTER.

Also:

H. J. R. 121. COMMENDING MR. ALBERT M. PHILIPS OF SILVERHILL, ALABAMA.

Also:

H. J. R. 129. COMMENDING WALKER REBELS.

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Also:

H. J. R. 130. MOURNING THE DEATH OF MR. FINIS EWING ST. JOHN, JUNIOR, OF CULLMAN, ALABAMA.

Also:

H. J. R. 138. COMMENDING MR. J. E. "NED" BEARDEN, PROMINENT SHELBY COUNTY DAIRYMAN AND CIVIC LEADER.

Also:

H. J. R. 140. COMMENDING MRS. LENA F. (LEE) CANNON FOR OUTSTANDING SERVICE WITH THE ALABAMA COOPERATIVE EXTENSION SERVICE AND ALABAMA PUBLIC TELEVISION.

Also:

H. J. R. 141. COMMENDING MR. THOMAS Z. ATKESON OF DECATUR, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 143. MOURNING THE DEATH OF MR. JAMES McCOY MAYS OF ATMORE, ALABAMA.

Also:

H. J. R. 144. HONORING THE CARVER HIGH SCHOOL WOLVERINES, STATE 4-A BASKETBALL CHAMPIONS.

Also:

H. J. R. 146. COMMENDING OMICRON LAMBDA CHAPTER OF ALPHA PHI ALPHA FRATERNITY.

Also:

H. J. R. 147. MOURNING THE DEATH OF STATE CONSERVATION OFFICER GRADY RUSSELL JACKSON.

Also:

H. J. R. 150. COMMENDING MR. AND MRS. LUTHER EDGAR BETHUNE ON THEIR 53RD WEDDING ANNIVERSARY.

Also:

H. J. R. 151. COMMENDING MR. NORMAN H. DAVIS FOR OUTSTANDING SERVICE AS DIRECTOR OF THE MOBILE COUNTY EMERGENCY MANAGEMENT AGENCY.

Also:

H. J. R. 152. COMMENDING DOTHAN HIGH SCHOOL BAND AND DIRECTORS, TONY AND RHONDA WHETSTONE.

Also:

H. J. R. 153. COMMENDING BUNNIE E. SUTTON, MOBILE, ALABAMA, FOR HER OUTSTANDING CIVIC AND CHARITABLE CONTRIBUTIONS.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 181 RESUMED

AMENDMENT OFFERED

Rep. Seibels offered the following amendment to the bill, H. 181, as amended:

On page 1, line 30 after the word "gallon." insert:

Provided however, at such time that all matching federal funds for highway purposes available to the state on the effective date of this act have been obtained the gasoline inspection fee provided for in this subsection shall revert back to one fortieth of \$.01.

On page 1, line 33 after the word "gallon" insert:

Provided however, at such time that all matching federal funds for highway purposes available to the state on the effective date of this act have been obtained the diesel fuel inspection fee provided for in this subsection and subsections (c) and (d) shall revert back to \$.01.

On page 1, line 17 in the title after word "gallon" insert:

and to provide a termination date

AMENDMENT TABLED

On motion of Rep. Starkey, the amendment offered by Rep. Seibels to the bill, H. 181 as amended, was tabled.

Yeas 51; Nays 29.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Brakefield, Browder, Bryant, Bugg, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Faulk, Fuller, Gaston, Hall, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kvalheim, McKee, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Pratt, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner and White (L).

—51

Nays:

Reps.: Adams, Bachus, Beers, Boles, Box, Brooks, Buskey (James), Cosby, Gray, Grimsley, Hammett, Hooper, Johnson (R.G.), Laird, McDowell, McMillan, Mathis, Mikell, Payne, Penry, Rains, Rice, Sasser, Seibels, Venable, Warren, White (F), White (G) and Zoghby.

—29

And the bill, H. 181, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 45.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey, John, Campbell, Carothers, Clark (J), Coburn, Coleman, Crow, Davis, Faulk, Fuller, Grayson, Harvey, Holley, Horn, Johnson (Roy), Junkins, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Perdue, Pratt, Preuitt, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turnham and White (L).

—48

Nays:

Reps.: Adams, Bachus, Beers, Boles, Box, Brooks, Buskey (James), Butler, Carter, Clark (D), Clark (W), Cosby, Dutton, Escott, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Hettinger, Hooper, Johnson (R.G.), Kvalheim, Laird, McDowell, McKee, McMillan, Martin, Mathis, Parker, Payne, Penry, Poole, Rains, Sasser, Seibels, Turner, Venable, Warren, White (F), White (G) and Zoghby.

—45

And the bill:

H. 182. (With Amendment): To amend Sections 40-12-248, 40-12-269 and 40-12-270, Code of Alabama, 1975, as amended, which relate to license taxes and registration fees on trucks and truck tractors so as to further provide for the collection, amount and distribution of such license taxes and registration fees.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 182 on page 6, Section 1 (b), line 5, by adding after the words "pounds but does not exceed 42,000 pounds." the following:

For each truck tractor which is operated by a certificated motor carrier and which is operated exclusively within 15 miles of the corporate limits of the incorporated municipality in which it is customarily domiciled, but not including vehicles operating beyond the borders of Alabama, and which is registered in the county in which it is customarily domiciled, a total annual license tax and registration fee of \$300.00 is hereby imposed and shall be charged.

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Fuller, Gaston, Goodwin, Gray, Grimsley, Hall, Harper, Harvey, Holley, Hooper, Johnson (Roy), Junkins, Kvalheim, McKee, McMillan, Melton, Mitchell, Newman, Onderdonk, Penry, Perdue, Pratt, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey,

Starr, Trammell, Turner, Turnham, Warren, White (G), White (L) and Zoghby.

—65

AMENDMENT OFFERED

Reps. Johnson (Roy), Bachus and Turner offered the following amendment to the bill, H. 182 as amended:

Amend House Bill 182, as amended, on page 11, beginning on line 18 by deleting lines 18 through 35 and inserting in lieu thereof the following:

counties of the state on the basis of the ratio of the population of each county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1980 federal decennial census.

MOTION TO TABLE LOST

The motion offered by Rep. Holley to table the amendment offered by Reps. Johnson (Roy), Bachus and Turner to the bill, H. 182 as amended, was lost.

Yeas 43; Nays 58.

Yeas:

Reps.: Adams, Black, Blake, Blakeney, Britnell, Bryant, Burke, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Faulk, Flowers, Fuller, Goodwin, Grayson, Grimsley, Grouby, Hammett, Harvey, Holley, Laird, Lauderdale, Mathis, Mikell, Mitchell, Newman, Onderdonk, Rains, Reed, Rice, Richardson, Sasser, Smith, Starkey, Tanner, Thomas, Venable, Warren, White (F) and White (L).

—43

Nays:

Mr. Speaker, Albright, Bachus, Beers, Biddle, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (W), Crow, Davis, Dutton, Escott, Ford, Gaston, Gray, Hall, Harper, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, McDowell, McKee, McMillan, McNair, Marietta, Melton, Moore, Nicholson, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rogers, Seibels, Spratt, Starr, Trammell, Turner, White (G) and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to show that had Rep. Reed been in the Chamber at the time of voting, he would have voted "Yea" on the bill, H. 181.

H. 182 RESUMED

AMENDMENT INDEFINITELY POSTPONED

The question was then on the amendment offered by Reps. Johnson (Roy), Bachus and Turner to the bill, H. 182 as amended, and on motion of Rep. Holley, the amendment was indefinitely postponed.

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Yeas 47; Nays 43.

Yeas:

Reps.: Adams, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Faulk, Flowers, Fuller, Goodwin, Grimsley, Hammett, Harvey, Holley, Laird, Lauderdale, Mathis, Mikell, Moore, Newman, Nicholson, Parker, Rains, Reed, Rice, Richardson, Sasser, Smith, Starkey, Tanner, Thomas, Turnham, Venable, White (F) and White (L).

—47

Nays:

Mr. Speaker, Albright, Bachus, Beers, Boles, Box, Brooks, Buskey (James), Buskey (John), Butler, Clark (W), Davis, Escott, Gaston, Gray, Hall, Hettinger, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, McDowell, McKee, McMillan, McNair, Martin, Melton, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rogers, Seibels, Spratt, Starr, Trammell, Turner, White (G) and Zoghby.

—43

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 182 as amended:

Amend House bill 182, as amended, on page 11, beginning on line 18 through 35 and inserting in lieu thereof the following:

counties of the state on the basis of the ratio of the population of each county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1970 federal decennial census.

AMENDMENT TABLED

On motion of Rep. Starkey, the amendment offered by Rep. Turner to the bill, H. 182 as amended, was tabled.

Yeas 53; Nays 44.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Flowers, Fuller, Goodwin, Grimsley, Grouby, Hammett, Harvey, Holley, Johnson (Roy), Laird, Lauderdale, Mathis, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Starkey, Tanner, Thomas, Turnham, Venable, Warren, White (F) and White (L).

—53

Nays:

Reps.: Albright, Bachus, Beers, Biddle, Boles, Box, Brooks, Buskey (James), Butler, Clark (W), Davis, Escott, Ford, Gaston, Gray, Hall, Harper, Hettinger, Hooper, Horn, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Melton,

Nicholson, Payne, Penry, Perdue, Reed, Rogers, Seibels, Spratt, Trammell, Turner, White (G) and Zoghby.

—44

AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, H. 182 as amended:

Amend House Bill 182, Section 3, page 11, beginning on line 19 by striking lines 19 through 35 in their entirety, and substituting in lieu thereof the following:

i. A portion of the counties share of the net tax proceeds that is equal to 25 percent of the total net tax proceeds distributed to counties under subsection (a)(1) b. of this section, shall be allocated equally among the 67 counties of the state.

ii. The entire residue of the counties share of the net tax proceeds, being an amount equal to 75 percent of the total net tax proceeds distributed to counties under subsection (a)(1) b. of this section, shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1980 federal decennial census.

AMENDMENT TABLED

On motion of Rep. Starkey, the amendment offered by Rep. Payne to the bill, H. 182 as amended, was tabled.

Yeas 56; Nays 43.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (John), Campbell, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Fuller, Goodwin, Grimsley, Grouby, Hammett, Harvey, Holley, Johnson (Roy), Laird, Lauderdale, Lindsey, Mathis, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Starkey, Tanner, Thomas, Venable, Warren, White (F) and White (L).

—56

Nays:

Reps.: Albright, Bachus, Beers, Biddle, Boles, Box, Brooks, Buskey (James), Butler, Clark (W), Davis, Escott, Gaston, Gray, Hall, Harper, Hettinger, Hooper, Horn, Johnson (R.G.), Junkins, Kvalheim, McDowell, McKee, McMillan, McNair, Marietta, Martin, Melton, Nicholson, Payne, Penry, Perdue, Poole, Pratt, Rogers, Seibels, Spratt, Starr, Trammell, Turner, White (G) and Zoghby.

—43

AMENDMENT OFFERED

Rep. Hall offered the following amendment to the bill, H. 182 as amended:

On page 11, delete lines 13 through 36 entirely and substitute therefor the following language:

treasurer who shall distribute 100% of said amounts to the state general fund.

AMENDMENT TABLED

On motion of Rep. Starkey, the amendment offered by Rep. Hall to the bill, H. 182, as amended, was tabled.

Yeas 51; Nays 41.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Bowling, Britnell, Browder, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Faulk, Flowers, Fuller, Goodwin, Grimsley, Grouby, Hammett, Harvey, Holley, Johnson (Roy), Lauderdale, Lindsey, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Venable, Warren, White (F) and White (L).

—51

Nays:

Reps.: Albright, Bachus, Beers, Boles, Box, Brooks, Burke, Buskey (James), Butler, Davis, Dutton, Escott, Ford, Gaston, Gray, Grayson, Hall, Harper, Hooper, Horn, Johnson (R.G.), Junkins, Kvalheim, McDowell, McKee, McMillan, McNair, Martin, Nicholson, Penry, Perdue, Poole, Pratt, Reed, Rogers, Seibels, Spratt, Trammell, Turner, White (G) and Zoghby.

—41

H. 182 RESUMED
AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 182 as amended:

Amend H. B. 182 on page 11, line 20 by deleting the figure "45.46" and inserting in lieu thereof the figure "42.16".

Further amend H. B. 182 on page 11, line 26 by deleting the figure "54.54" and inserting in lieu thereof the figure "57.84."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 18.

Yeas:

Mr. Speaker, Albright, Bachus, Beers, Blake, Boles, Box, Brooks, Browder, Bugg, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Harper, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Melton, Mikell, Moore, Newman, Nicholson, Parker, Payne, Penry, Perdue, Poole, Pratt, Reed,

Rice, Richardson, Rogers, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, White (G) and Zoghby.

—72

Nays:

Reps.: Adams, Black, Bryant, Cosby, Faulk, Flowers, Grimsley, Grouby, Hammett, Harvey, Johnson (R.G.), Laird, Mathis, Preuitt, Smith, Warren, White (F) and White (L).

—18

And the bill, H. 182, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 38.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Ford, Fuller, Goodwin, Gray, Grayson, Harper, Harvey, Hettinger, Holley, Horn, Johnson (Roy), Junkins, Lauderdale, Lindsey, Marietta, Martin, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Pratt, Preuitt, Reed, Richardson, Rogers, Seibels, Starkey, Starr, Tanner, Thomas, Trammell, Turner and White (L).

—58

Nays:

Reps.: Bachus, Beers, Black, Box, Brooks, Burke, Buskey (James), Butler, Cosby, Escott, Faulk, Gaston, Grimsley, Grouby, Hall, Hammett, Hooper, Johnson (R.G.), Kvalheim, Laird, McDowell, McKee, McMillan, McNair, Mathis, Parker, Payne, Poole, Rains, Rice, Sasser, Smith, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—38

CO-SPONSOR ADDED

Permission was granted for the Journal to show Rep. Bachus added as co-sponsor to the bill, H. 668.

REPORT FILED

Pursuant to House Joint Resolution 126, Act No. 84, 1976 regular session of the Legislature, Senator Bobby E. Denton, Chairman, submitted the report of the Joint Prison Committee, and the report was ordered filed.

SPECIAL ORDER RESUMED

And the bill:

H. 183. (With Amendments): To authorize the county commissions of the several counties of this state to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such counties not to exceed two cents (2 cents) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the county commissions

of such counties to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commissions of such counties for the collection of said taxes.

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. B. 183 on page 9, Section 13, line 8 by adding after the word "highways" the following: "streets".

And the amendment was adopted.

Yeas 73; Nays 5.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Davis, Faulk, Ford, Fuller, Gaston, Grayson, Grimsley, Hall, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Lindsey, McKee, McMillan, Marietta, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Warrer, White (G) and Zoghby.

—73

Nays: Reps.: Gray, McDowell, McNair, Payne and Pratt.

—5

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 183, page 2, Section 1 (3), on line 27 by striking the words, "~~or liquefied gas~~"

Further amend House Bill 183, page 4, Section 2, line 29 by inserting after the comma following the word "thereof" the following language:

the Government of the United States or any agency thereof.

Further amend House Bill 183, page 5, Section 4, line 18, following the word "than" by deleting the word "two" and inserting in lieu thereof the word:

three

And the amendment was adopted.

Yeas 79; Nays 3.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grimsely, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan,

Marietta, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Reed, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Warren, White (G), White (L) and Zoghby.

—79

Nays: Reps.: Bachus, Gray and McNair.

—3

AMENDMENT OFFERED

Rep. Tanner offered the following amendment to the bill, H. 183 as amended:

On page 1, in the Synopsis, line 26, delete the period and insert in lieu thereof:

and to provide for countywide referendums.

On page 2, in the Title, line 13, delete the period and insert in lieu thereof:

and to provide for countywide referendums.

On page 3, Section 2, line 31, after the word "gallon" insert the following language:

, upon approval of a majority of the qualified electors within each of such counties, voting at a referendum held at the next general election after the effective date of this act, for the purpose of authorizing said additional excise tax,

MOTION TO TABLE LOST

The motion offered by Rep. Starkey to table the amendment offered by Rep. Tanner to the bill, H. 183 as amended, was lost.

Yeas 8; Nays 79.

Yeas:

Reps.: Black, Blakeney, Bryant, Bugg, Clark (J), Coburn, Starkey and Turner. —8

Nays:

Reps.: Adams, Albright, Bachus, Beers, Blake, Boles, Box, Britnell, Brooks, Browder, Burke, Buskey (James), Butler, Carothers, Carter, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Harper, Harvey, Holley, Hooper, Horn, Johnson (R.G.), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starr, Tanner, Trammell, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—79

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Tanner to the bill, H. 183 as amended, and the amendment was adopted.

Yeas 97; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—97

Nay: Rep. Black.

—1

And the bill:

H. 183. To authorize the county commissions of the several counties of this state to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such counties not to exceed two cents (2 cents) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the county commissions of such counties to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commissions of such counties for the collection of said taxes and to provide for countywide referendums.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 67; Nays 32.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Boles, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Fuller, Goodwin, Grayson, Grimsley, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Junkins, Lauderdale, Lindsey, McMillan, Marietta, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Reed, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner and White (L).

—67

Nays:

Reps.: Adams, Bachus, Beers, Box, Burke, Buskey (James), Dutton, Flowers, Ford, Gaston, Gray, Grouby, Hall, Holley, Johnson (R.G.), Kvalheim, Laird, McDowell, McKee, McNair, Martin, Mathis, Mitchell,

Poole, Rains, Rice, Sasser, Turnham, Warren, White (F), White (G) and Zoghby.

—32

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:20 P.M. on April 3, 1984.

H. J. R. 3

H. J. R. 159

H. J. R. 160

H. J. R. 162

H. J. R. 163

H. J. R. 167

H. J. R. 168

H. J. R. 169

H. J. R. 173

H. J. R. 174

H. J. R. 175

H. J. R. 176

H. J. R. 177

H. J. R. 179

H. J. R. 117

H. J. R. 118

H. J. R. 119

H. J. R. 120

H. J. R. 121

H. J. R. 129

H. J. R. 130

H. J. R. 138

H. J. R. 140

H. J. R. 141

H. J. R. 144

H. J. R. 146

H. J. R. 147

H. J. R. 150

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H. J. R. 151

H. J. R. 152

H. J. R. 153

H. J. R. 143

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Carothers and pursuant to the resolution, H. R. 192, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, April 5, 1984.

Yeas 65; Nays 22.

Yeas:

Reps.: Adams, Black, Blake, Boles, Bowling, Box, Britnell, Burke, Carothers, Clark (D), Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Hammett, Harper, Harvey, Hooper, Horn, Johnson (R.G.), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Payne, Penry, Pratt, Preuitt, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (F), White (L) and Zoghby.

—65

Nays:

Mr. Speaker, Albright, Brooks, Browder, Bryant, Butler, Campbell, Carter, Clark (J), Coburn, Crow, Grayson, Grouby, Hall, Hettinger, Johnson (Roy), Mitchell, Onderdonk, Parker, Poole, Smith and Warren.

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SIXTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, April 5, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Gary Burton, Pastor, Pintlala Baptist Church, Pintlala, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Blakeney,

Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifteenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the fifteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifteenth legislative day was approved.

NOTICE IN WRITING

Rep. Butler filed the following Notice in Writing:

NOTICE TO THE CLERK OF THE HOUSE OF REPRESENTATIVES

Notice is hereby given that having voted on the prevailing side of the vote by which House Bill No. 183 was passed on Tuesday, April 3, 1984, I hereby will move to reconsider that vote by which it was passed.

Representative Tom Butler
House District No. 6
April 5, 1984

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 183. To authorize the county commissions of the several counties of this state to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such counties not to exceed two cents (2 cents) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds

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derived therefrom; to authorize the county commissions of such counties to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commissions of such counties for the collection of said taxes and to provide for countywide referendums.

JIMMY CLARK,
Chairman.

And the bill, H. 183 as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 193. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching the Calendar and after any unfinished business is disposed of, the following bills in the order named be made the special and paramount order of business for the 16th Legislative Day, April 5, 1984, taking precedence over any other pending Special Orders:

<u>Bill No.</u>	<u>Sponsor</u>	<u>Short Title</u>	<u>Page</u>
H. B. 407	Campbell	Legislative personnel, Clerk of House & Sec. of Senate	114
H. B. 226	Clark, J.	Legislative staff, addtl. secretaries provided House & Senate	42
H. B. 558	Smith	Farmers' Market facilities	24 (Supp.)
H. B. 554	Smith	Dept. of Agriculture; market facility	22 (Supp.)
H. B. 625	Davis	Alabama Indian Affairs Commission	73 (Supp.)
H. B. 250	Hall	Shrine amusement & fund raising, tax exempt	94
H. B. 93 (w/sub.)	Ford	Banks; further reporting of certain records	21
H. B. 379	Coleman	Motor vehicle liability insurance for bus drivers	5 (Supp.)
H. B. 410	Johnson, Roy	Usury laws, minimum interest rate exemption removed	13 (Supp.)
H. B. 359	Grimsley	Legal experience insurance; certain persons to transact	104
H. B. 588	Moore	Exempt from PSC carriers transporting coke	45 (Supp.)
H. B. 578	Starr	George Lindsey Celebrity, tax exempt	26 (Supp.)
H. B. 142	Zoghby	Credit Unions, examination fees	22
H. B. 456	Holley	Troy State University; social workers	88
H. B. 125	Grouby	L.P. Gas Board, powers and duties	120
H. B. 485	Clark, J.	Industrial Develop. Authority bonds	97

H. B. 615 (w/amdt.)	Clark, J.	Cigarettes, additional tax	29 (Supp.)
H. B. 140	Holley	Military personnel, retirement income	17
H. B. 266	Holmes	Martin Luther King, state holiday	48
H. B. 58	White, L.	Worthless checks	21
H. B. 471	Lindsey	Dept. of Agric., weights & measures	117
H. B. 96	Campbell	MSA branch banking	19
H. B. 483 (w/amdt.)	Clark	PGA sporting events, nat'l. championship	96
H. B. 413	Johnson, Roy	Ombudsman Act; Comm. on Aging to administer	112
H. B. 405	Beers	Abortion; notification to parents	46 (Supp.)
H. B. 309 (w/sub.)	Kennedy	Retirement system; reopen to certain military	23 (Supp.)
H. B. 314	Carothers	Handicapped persons; hunting & fishing licenses	32
H. B. 26	Smith	Legal age for drinking raised	37
H. B. 98	Zoghby	Automatic tellers; not branch banking	20
H. B. 61	Starr	Mobile homes; continuation statement under commercial code, exempt from	4
H. B. 44	Smith	State employees; per diem	93
H. B. 477 (w/sub.)	Mitchell	Ad valorem tax exemption 65 yrs. & older	34 (Supp.)
H. B. 431	Faulk	Livestock dealers; bonding requirements	116
H. B. 404	Tanner	Reapportionment; House Districts 40 & 41	7 (Supp.)
H. B. 256	Johnson, Roy	Relating to health care authorities	112
H. B. 74	Carothers	Milk producers, certain permits abolishes	66
H. B. 141	Smith	Bus drivers & support personnel; sick leave increased	2 (Supp.)
H. B. 33	Turner	PSC; authority granted charter routes	40
H. B. 341	Starr	Fire sprinkler systems	10 (Supp.)
H. B. 444	Warren	Burning of woodlands	7 (Supp.)
H. B. 295 (w/amdt.)	Clark, J.	Board of Dental Examiners; practice regulated	66

On motion of Rep. Clark (J), the resolution, H. R. 193, was adopted.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 81. To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6, 32-7-16 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to provide what the term "uninsured motor vehicle" shall include under the uninsured motorist coverage section of the Motor Vehicle Safety-Responsibility Act, increases the amount of payment on judgments necessary to satisfy the requirements of the Motor Vehicle Safety-Responsibility Act, and to increase the minimum amount of liability required under a motor vehicle liability policy under the Motor Vehicle Safety-Responsibility Act.

As amended and postponed on the fourteenth legislative day to the sixteenth legislative day, was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Marietta, the motion offered by Rep. Coleman to postpone consideration of the bill, H. 81 as amended, to the twenty-second legislative day, was tabled.

Yeas 55; Nays 43.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Black, Blakeney, Boles, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Fuller, Gray, Grayson, Hettinger, Holmes, Horn, Johnson (Roy), Kennedy, Lauderdale, McDowell, Marietta, Martin, Mathis, Melton, Moore, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Reed, Rice, Rogers, Spratt, Starkey, Tanner, Thomas, Trammell, Venable, White (G) and Zoghby.

—55

Nays:

Reps.: Blake, Bowling, Brakefield, Browder, Burke, Butler, Carothers, Clark (J), Coleman, Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, McKee, McMillan, McNair, Mikell, Newman, Penry, Preuitt, Richardson, Sasser, Seibels, Smith, Starr, Turner, Turnham, Warren and White (L).

—43

MOTION TO TABLE LOST

The motion offered by Rep. Marietta to table the motion offered by Rep. Coleman to postpone consideration of the bill, H. 81 as amended, to the seventeenth legislative day, was lost.

Yeas 46; Nays 51.

Yeas:

Mr. Speaker, Albright, Bachus, Black, Blakeney, Boles, Box, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Fuller, Gray, Grayson, Holmes, Horn, Johnson (Roy), Kennedy, Lauderdale, McDowell, Marietta, Mathis, Melton,

Moore, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Rogers, Spratt, Starkey, Tanner, Thomas, Trammell and White (G).

—46

Nays:

Reps.: Adams, Blake, Bowling, Brakefield, Browder, Burke, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, Lindsey, McKee, McMillan, McNair, Martin, Mikell, Newman, Penry, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starr, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—51

H. 81 POSTPONED

The question was then on the motion offered by Rep. Coleman to postpone consideration of the bill, H. 81 as amended, to the seventeenth legislative day, and the motion was adopted.

Yeas 51; Nays 48.

Yeas:

Reps.: Adams, Beers, Blake, Bowling, Brakefield, Browder, Burke, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, McKee, McMillan, McNair, Mikell, Newman, Penry, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starr, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—51

Nays:

Mr. Speaker, Albright, Bachus, Black, Blakeney, Boles, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Gray, Grayson, Holmes, Horn, Johnson (Roy), Kennedy, Lauderdale, McDowell, Marietta, Martin, Mathis, Melton, Moore, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Reed, Rogers, Spratt, Starkey, Tanner, Thomas, Trammell and White (G).

—48

And the bill:

H. 598. To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to authorize the department of economic and community affairs to prescribe procedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe penalties for violations of this act; to provide for certain personnel for the

department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama, 1975.

And pending substitute offered by Rep. Johnson (Roy) on the fourteenth legislative day, were taken up.

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute #2 to the bill, H. 598 and the pending substitute:

**A BILL
TO BE ENTITLED
AN ACT**

To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to authorize the department of economic and community affairs to prescribe procedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe penalties for violations of this act; to provide for certain personnel for the department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The director of the department of economic and community affairs shall be responsible for the distribution, sale, transfer, or disposal of all surplus personal property owned by the state and all right, title, and interest in said property shall be transferred to said department for such purpose. The director may delegate to the chief of the surplus property division such supervision and control of the distribution, sale, transfer, or disposal of the aforementioned state owned surplus personal property.

(b) The meaning of certain words as used in this act are as follows:

(1) Division — shall mean surplus property division of the department of economic and community affairs.

(2) Coordinator — shall mean that officer or employee who shall be designated by the head of each department, board, bureau, commission, institution, corporation, or agency of the state, in writing, to the division, to be the personal property management coordinator.

(3) Surplus Property — shall mean that property declared by the personal property management coordinator of each state department, bureau, board, commission, or agency to be surplus and so designated in writing to the chief of the division.

(4) Eligible Agency — shall mean any city, county, board of education, volunteer fire department, civil defense agency, or state department, board, bureau, commission, or agency that is not found to be in violation of division rules and regulations during the 12 months immediately preceding the intended purchase.

(c) The coordinator shall report to the surplus property division of the department of economic and community affairs any personal property de-

clared surplus by his department, board, bureau, commission, institution, corporation, or agency and make said property available to the division.

(d) The division shall be authorized to promulgate such administrative rules and regulations as deemed necessary including, but not limited to: (1) promotion of the sale of surplus property; (2) shipment of surplus property; (3) storage of surplus property; (4) length of retention of surplus property; (5) public auction of surplus property; (6) such other rules and regulations as, from time to time, may be determined to be necessary to implement the provisions of this act.

(e) The division shall have authority to sell surplus property at fair market value, as established by the division and set out in its published rules, to incorporated cities, counties, volunteer fire departments, boards of education, civil defense agencies and state departments, boards, bureaus, commissions, or agencies prior to sale of same by public auction. Payment for purchases by any of the above mentioned entities shall be made within 72 hours after such purchase. If payment is not made within 72 hours after a purchase, then such purchase shall be declared void and the property may be sold to another purchaser, prior to public auction.

Section 2. (a) Surplus property shall be made available at such times and places as determined to be appropriate by the division for inspection and acquisition by eligible agencies.

(b) The division shall periodically publish a list of all surplus property held by it at the time of such publication.

(c) The published list shall be made available to all eligible agencies.

(d) The division will determine the manner in which the list of surplus personal property shall be published.

(e) The division shall not be authorized to handle or dispose of any regulated hazardous materials.

Section 3. (a) The division shall be authorized to collect reasonable fees subject to restriction hereinafter contained in this act, for transfer, handling, shipping, classification, warehousing, bidding, destruction, scrapping, or other disposal of property and such other fees as may be deemed appropriate in order to insure the continued efficient operation of the surplus property function of the department.

(b) The division shall establish two accounts within the state treasury for the operation of the surplus property function as follows: (1) The first account shall be known as the federal surplus property account into which all moneys received from the distribution of federally donated surplus property shall be deposited; (2) The second account shall be known as the state surplus property account into which all moneys received from the distribution of state owned surplus property and any funds appropriated from the state general fund for the operation of the surplus property function shall be deposited.

(c) Any moneys deposited into either of the aforementioned accounts may be expended from time to time by the department for operation of the surplus property function including, but not limited to, repairs, salaries, rent, travel, and all other necessary operating expenditures subject to restrictions hereinafter contained in this act; providing, however, that on September 30 any unencumbered moneys remaining in the state surplus property account, up to an amount equal to the operating expenses of the quarter ending on September 30, shall be set aside for use during the quar-

ter beginning October 1 for the purposes heretofore stated and any remainder shall revert to the state general fund. The federal surplus property account shall be a perpetual account, and funds therein shall not revert to the state general fund.

Section 4. The following provisions of this section shall apply only to that property that has been held by the division for a period of not less than 60 days from the date said property is first published in the list of surplus property, as set out in Section 2(b), and not purchased by any eligible agency as set out in Section 1(e) of this act.

(a) All contracts made by, or on behalf of, the state of Alabama, or any department, board, bureau, commission, institution, corporation, or agency thereof, of whatever nature, for the sale or disposal of tangible personal property owned by the state of Alabama, other than (1) alcoholic beverages, (2) products of the Alabama Institute for Deaf and Blind, (3) barter arrangements of the state prison system, (4) books, (5) school supplies, (6) food, (7) property used in vocational projects, (8) livestock, (9) property owned by any state college, university, two year college, or technical school, and (10) types of property, the disposal of which is otherwise provided for by law or which, by nature, are incapable of sale by auction or bid, shall be let by free and open competitive public auction or sealed bids.

(b) Every proposal to make a sale covered by this section shall be advertised for at least two weeks in advance of the date fixed for receiving bids. Such advertisement shall appear at least once a week for two consecutive weeks in a newspaper of general circulation in the county where the sale is to be made, and a copy of such proposal shall simultaneously be posted on a readily accessible public bulletin board at the main office of the chief of the division. Advertisements for bids shall state the item or items to be sold, by class and description, where the property is located and the dates, time, and place the property may be inspected. The advertisements shall further state the date, time, and place of auction or opening of sealed bids, and no bid shall be received at any time after the time advertised.

(c) The bids shall be publicly taken or opened, in case of sealed bids, by the chief of the division and all bidders shall be entitled to be present in person or by representative.

(d) The award of the contract shall be made to the successful bidder within 72 hours after taking of the bids.

(e) The bid of the successful bidder so marked, as well as the bids of the unsuccessful bidders in the case of sealed bids, shall be placed on file open to public inspection and shall become matters of public record.

(f) If a successful bidder shall fail to accept award of a contract, then he shall be prohibited from bidding at any sale held by the division for a period of 12 months following such failure to accept.

(g) The chief of the division may sell all items by lot or by individual item, whichever method, in his opinion, will bring the highest return for the items so advertised.

(h) In the event all bids received are less than the estimated market value of the property, the chief of the division may reject all bids and readvertise or sell by negotiated sale; provided that, in the event the property is sold by negotiated sale under the provisions of this section, the value received must be more than the highest bid or bids received.

(i) Nothing herein shall be construed to prevent the chief of the divi-

sion from contracting with the highest bidder for any type of property to sell to that bidder all of that type of property, which can be reasonably sold on a continuous basis, at his bid price during that fiscal year providing such possible arrangement was included in the initial request for bids.

(j) All property advertised under the provisions of this section shall be available for inspection during the normal state office hours and at whatever place advertised for at least 48 hours prior to sale.

(k) All property sold under the provisions of this section shall be paid for by the purchaser or his representative by cashier's check, bank draft, certified check, U.S. currency, or notarized letter of credit from a licensed banking institution stating that the holder may purchase surplus property and also stating a maximum amount, at the time of acceptance of bid and award of contract, and said removal shall be not later than seven days after the awarding of the contract; provided, however, that the time limit of seven days shall not be applicable to sales of standing timber.

(l) All proceeds from sales made under the provisions of this section shall be paid into the state treasury or other legally authorized depository to be credited to the proper fund as set out in Section 3(b) prior to final distribution as set out in Section 4(p).

(m) No officer or employee of the state of Alabama or any of its departments, boards, bureaus, commissions, institutions, corporations, or agencies shall act as agent for any bidder; provided, however, that such officers or employees shall not be excluded from bidding on or purchasing state property at public auction or sealed bid.

(n) Any sale of tangible personal property or standing timber of the state made in violation of the terms of this act shall be null and void, and the person or persons responsible for the violation shall be subject to actual damages in addition to punitive damages of not less than \$1,000.00 which shall be recovered for the state of Alabama by the attorney general by civil action in the circuit court of Montgomery county. Any moneys recovered by the attorney general under this section shall be equally divided between the office of the attorney general and the state general fund.

(o) The provisions of this act shall not apply to the sale of diseased, storm or fire-damaged timber, nor shall it apply to timber cut on rights-of-way or easements. Such timber may be sold or otherwise disposed of in such manner as the commissioner of conservation and natural resources deems in the best interest of the state; provided, that no sale of diseased timber shall be made until the state forester shall certify that such timber is diseased, and such certification shall be in written form and filed with the director of finance.

(p) Whenever any surplus property that was purchased with either earmarked state funds or restricted federal funds is sold by the division, the proceeds from such sale, less administrative expenses, unless constitutionally prohibited, shall be deposited to the credit of the specific fund of the state departments, commissions, boards, bureaus, institutions, corporations, or agencies from which the original purchase of such property was made. If the source of the original purchase of the property was a general fund appropriation, then said sale proceeds, less any administrative fee, as set out in the rules authorized to be promulgated by the division, shall be credited to the general fund. In no event shall the said administrative fee, as mentioned above, exceed twenty-five percent (25%) of the gross sale price.

(q) Violation of any of the provisions of this act shall constitute a Class C felony punishable as prescribed by law.

Section 5. All present employees of the surplus property division of the department of economic and community affairs shall remain in their respective positions and continue to enjoy employment conditions including, but not limited to, salary range and advancement at a level no less than those enjoyed prior to the passage of this act. However, nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner provided by law.

Section 6. All appropriations heretofore made to the finance department for administering the disposal of surplus property under Article 5, Chapter 16, of Title 41, Code of Alabama 1975 shall be transferred to the surplus property division of the department of economic and community affairs, along with all personnel, records, accounts, equipment, and such other necessary things connected with the surplus property operation as determined by the finance director.

Section 7. The temporary state plan of operation for the state agency for federal property assistance which was approved by the governor of Alabama on July 14, 1977, and accepted by the general services administration on September 14, 1977, shall become the permanent state plan of operation; provided, however, the division shall have authority, with approval of the governor, to revise said plan from time to time in accordance with regulations as established by the general services administration pursuant to Public Law 94-519 which governs the distribution of federal surplus property.

Section 8. The provisions of this act are severable. Should any part hereof be declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws parts of laws in conflict herewith are hereby repealed and the provisions of Article 5, Chapter 16, Title 41 of the Code of Alabama 1975 are hereby specifically repealed.

Section 10. This act shall become effective October 1, 1984.

SUBSTITUTE ADOPTED

And the substitute #2 offered by Rep. Johnson (Roy) to the bill, H. 598 and pending substitute, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Box, Britnell, Brooks, Bryant, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Cosby, Crow, Davis, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Harper, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Laird, Lauderdale, Lindsey, McDowell, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Nicholson, Parker, Perdue, Poole, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Trammell, Turner and White (L).

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Junkins offered the following amendment to the bill, H. 598 as amended:

Amend Substitute to H. B. 598, page 9, Section 7, line 27 after the word "property" by striking the period : and adding the following:

: provided that the Alabama Federal surplus property warehouse located in Gadsden, Alabama be allowed to remain in its present location.

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (Roy) to table the amendment offered by Rep. Junkins to the bill, H. 598 as amended, was lost.

Yeas 20; Nays 59.

Yeas:

Mr. Speaker, Black, Blake, Bowling, Bryant, Buskey (James), Buskey (John), Clark (J), Fuller, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Mitchell, Onderdonk, Parker, Poole, Thomas, Warren and White (L).

—20

Nays:

Reps.: Bachus, Beers, Brooks, Browder, Bugg, Butler, Campbell, Carothers, Carter, Clark (D), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Ford, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Hooper, Horn, Junkins, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Martin, Mathis, Melton, Mikell, Moore, Newman, Penry, Perdue, Pratt, Preuitt, Rains, Rice, Rogers, Sasser, Seibels, Spratt, Starkey, Tanner, Trammell, Turner, Turnham, Venable, White (G) and Zoghby.

—59

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Junkins to the bill, H. 598 as amended, and the amendment was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grimsley, Grouby, Hammett, Harper, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—82

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 598 as amended:

Amend H. B. 598 Section 4 by adding after comma on line 21 after word "school" the following:

"Legislative Department"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Bachus, Beers, Black, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Harper, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, Martin, Mathis, Melton, Mitchell, Newman, Nicholson, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—69

Nay: Rep. McKee.

—1

AMENDMENT OFFERED

Rep. Mitchell offered the following amendment to the bill, H. 598 as amended:

On page 3, on line 20, after the period insert:

Provided, however, the governing body of any municipality with a population of less than 5,000 shall be given preference on the disposal of all surplus motor vehicles owned by the State of Alabama, except those assigned for use by the state highway department and not disposed of pursuant to Section 41-16-107 and 41-4-33.1, Code of Alabama 1975. The terms, conditions and the manner of such transfer or disposal shall be set by the division as it deems in the best interests of the state. Such terms and conditions shall designate whether such identified surplus motor vehicle is donated, loaned, sold or leased to the municipality and the reason for such determination, together with any applicable financial terms.

No motor vehicle donated, loaned or leased, pursuant to this act, shall be sold by the municipality without the terms for reimbursement to the state general fund or return of such motor vehicle to the state upon final disposition; any such motor vehicle shall be retained by the municipality for a minimum period of two years and it shall not be sold or traded during such period.

The governing body of the municipality shall certify annually to the division that the motor vehicle continues to be used exclusively for municipal purposes.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Hall, Harper, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G) and Zoghby.

—75

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. McKee to indefinitely postpone the bill, H. 598 as amended, was lost.

Yeas 19; Nays 65.

Yeas:

Reps.: Bachus, Beers, Brooks, Butler, Cosby, Flowers, Gaston, Grouby, Hammett, Harper, Hooper, McKee, McMillan, Preuitt, Rains, Sasser, Turner, Turnham and White (G).

—19

Nays:

Mr. Speaker, Albright, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Ford, Fuller, Goodwin, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Reed, Rice, Richardson, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Venable, Warren and White (L).

—65

AMENDMENT OFFERED

Rep. McMillan offered the following amendment to the bill, H. 598 as amended:

In section 1, subdivision (3), page 2, line 25, add the following language:

The term "surplus property" shall specifically exclude all real property owned by any state department, bureau, board, commission, agency or institution, and real property owned by any state college, university, two year

college, technical school or other post secondary institution of higher learning.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. McMillan to the bill, H. 598, as amended, was tabled.

Yeas 35; Nays 22.

Yeas:

Mr. Speaker, Albright, Blake, Bowling, Britnell, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Davis, Escott, Goodwin, Harvey, Holley, Johnson (Roy), Junkins, Lauderdale, Lindsey, Martin, Melton, Mitchell, Newman, Nicholson, Parker, Poole, Richardson, Smith, Venable and Warren.

—35

Nays:

Reps.: Beers, Box, Brooks, Carothers, Carter, Cosby, Faulk, Flowers, Gaston, Grouby, Hammett, Harper, Kvalheim, Laird, McKee, Mathis, Penry, Preuitt, Sasser, Seibels, Turner and White (G).

—22

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 598 as amended:

In section 1, subdivision (3), page 2, line 25, by adding the following language:

Title to all real property owned by any state department, bureau, board, commission, agency or institution, and any subdivision thereof, including but not limited to, real property owned by any state college, university, two year college, technical school or other postsecondary institution of higher learning and located in Mobile County or Baldwin County within five miles of the Gulf of Mexico, may not be transferred without the passage of a Resolution by a majority vote of both houses of the Alabama Legislature.

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (Roy) to table the amendment offered by Rep. Penry to the bill, H. 598 as amended, was lost.

Yeas 21; Nays 47.

Yeas:

Mr. Speaker, Brooks, Bryant, Buskey (John), Clark (J), Coleman, Davis, Goodwin, Harvey, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, McDowell, Newman, Nicholson, Parker, Perdue, Smith and Spratt.

—21

Nays:

Reps.: Albright, Bachus, Blakeney, Bowling, Box, Brakefield, Bugg, Burke, Buskey (James), Carothers, Carter, Clark (W), Cosby, Crow, Flowers, Ford, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Hooper, Kennedy,

Kvalheim, McKee, McMillan, McNair, Marietta, Martin, Mikell, Mitchell, Onderdonk, Payne, Penry, Poole, Preuitt, Rains, Sasser, Seibels, Starkey, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—47

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Penry to the bill, H. 598 as amended, and the amendment was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—85

AMENDMENT OFFERED

Reps. Harper and Turner offered the following amendment to the bill, H. 598 as amended:

Amend Substitute to H. 598, Section 4, Subsection (h) by striking lines 26 through 31 in their entirety and substituting in lieu thereof the following:

(h) In the event all bids received are less than the estimated market value of the property, the chief of the division shall reject all bids and readvertise and rebid.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Cosby, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Hammett, Harper, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Martin, Mikell, Moore, Newman, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (G) and Zoghby.

—72

MOTION TO RECOMMIT TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Harper to recommit the bill, H. 598 as amended, to the Standing Committee on State Administration, was tabled.

Yeas 47; Nays 26.

Yeas:

Mr. Speaker, Black, Blake, Bowling, Brakefield, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Faulk, Ford, Goodwin, Gray, Grouby, Harvey, Hettinger, Holley, Horn, Johnson (Roy), Junkins, Lauderdale, Lindsey, McDowell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Reed, Smith, Spratt, Starr, Thomas, Trammell and Warren.

—47

Nays:

Reps.: Adams, Bachus, Beers, Box, Brooks, Butler, Cosby, Flowers, Gaston, Grimsley, Hail, Harper, Hooper, Kvalheim, McKee, McMillan, McNair, Payne, Preuitt, Rains, Richardson, Sasser, Seibels, Turner, White (G) and Zoghby.

—26

AMENDMENT OFFERED

Rep. Bachus offered the following amendment to the bill, H. 598 as amended:

Amendment to Substitute to H. B. 598 as amended shall be amended by adding the following section as section one and renumbering all other subsequent sections appropriately:

“Section One. (1.) This bill shall be known as the Empire Building and Political Appointment and Employment Opportunity Act of 1984.”

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Bachus to the bill, H. 598 as amended, was tabled.

Yeas 55; Nays 10.

Yeas:

Mr. Speaker, Albright, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Coleman, Crow, Gaston, Goodwin, Gray, Grayson, Grouby, Harvey, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Pratt, Reed, Richardson, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—55

Nays:

Reps.: Bachus, Brooks, Hooper, McKee, McMillan, McNair, Onderdonk, Rains, Seibels and White (G).

—10

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Harper to postpone consideration of the bill, H. 598 as amended, to the seventeenth legislative day, was tabled.

Yeas 54; Nays 29.

Yeas:

Mr. Speaker, Albright, Blake, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Ford, Goodwin, Grayson, Harvey, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, McDowell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Poole, Pratt, Reed, Richardson, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—54

Nays:

Reps.: Bachus, Beers, Blakeney, Box, Brooks, Butler, Cosby, Faulk, Flowers, Gaston, Gray, Grimsley, Grouby, Hall, Hammett, Harper, Hooper, Kvalheim, Laird, McKee, McMillan, McNair, Onderdonk, Preuitt, Rains, Sasser, Seibels, Turnham and White (G).

—29

And the bill, H. 598, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 22.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Grouby, Harvey, Hettinger, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—71

Nays:

Reps.: Adams, Bachus, Beers, Brooks, Butler, Cosby, Flowers, Gaston, Hall, Hammett, Harper, Hooper, Kvalheim, Laird, McKee, McMillan, McNair, Rains, Sasser, Seibels, Turnham and White (G).

—22

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Rogers, the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced:

By Rep. Rogers:

H. J. R. 194. Clarifying and expressing legislative intent with regard to House Bill No. 13 to permit horse racing in any Class 1 municipality.

WHEREAS, on March 27, 1984, the Legislature of Alabama enacted a House Bill No. 13 (the "Horse Racing Bill") to authorize horse racing and pari-mutuel wagering thereon in Class I municipalities, subject to the condition that such activities be approved in a referendum held for the voters of the county in which such activities are to be conducted. As advertised pursuant to the requirements of Sections 106 and 110 of the Constitution of Alabama and as originally introduced in the Legislature, the Horse Racing Bill provided for a referendum that would involve only the voters of the Class I municipality that would sponsor horse racing. The Horse Racing Bill was amended in passage to add a new section which provided for a referendum among all voters in the county, as well as among the voters in the sponsoring municipality. The Horse Racing Bill contained a specific severability clause expressing the legislative intent that constitutional infirmities in the provisions for a county-wide referendum should not result in the invalidation of the entire act; and

WHEREAS, the members of the House and Senate of the State of Alabama understand that the Governor is concerned that the severability clause applicable to the county-wide referendum might be invoked in a lawsuit brought for the purpose of restricting referendum to voters in the sponsoring municipality. The severability clause was included for the opposite purpose of protecting the horse racing legislation from a legal attack that might be brought by disappointed opponents after they had lost a county-wide referendum. Due to the fact that the county-wide referendum was not reflected in the notice published with respect to the Horse Racing Bill, and also due to the possibility that the provisions for a county-wide referendum might convert the bill into legislation primarily applicable to a county clearly identified as Jefferson County — as distinguished from a general act applicable to a class of municipalities sanctioned by Section 110 of the Constitution of Alabama — the sponsors of the Horse Racing Bill were apprehensive that the amendment thereto providing for a county-wide referendum would give opponents an opportunity to mount a legal attack against the bill even if it were approved by a majority of the voters in the county; and

WHEREAS, the members of the House and Senate of the State of Alabama hereby state and proclaim their collective intention and understanding that the Horse Racing Bill is to provide for a county-wide referendum on the question of whether horse racing and pari-mutuel wagering thereon will be authorized in the sponsoring municipality, subject to legal permissibility therefor; and whereas, they deplore the possibility of there taking place any legal attack upon such a county-wide referendum, and express their desire, and commit their political and legislative influence to the principle, that the voters of the county in which the sponsoring municipality is located should have an opportunity to approve or disapprove, in a county-

wide referendum, the authorization of horse racing and pari-mutuel wagering thereon pursuant to the act resulting from passage of the Horse Racing Bill; and

WHEREAS, a majority of the Senators and Representatives from the sponsoring county of Jefferson have certified to the Governor that this is and was their individual intention with respect to the passage of the Horse Racing Bill; and

WHEREAS, we understand that the Governor has also been informed in writing by the proposed or contemplated developers of the horse racing facility that they also understand and support a county-wide vote on the issue and that they would defend at all times the validity of a county-wide election;

NOW THEREFORE, WE, the Legislature of the State of Alabama, both houses concurring, do hereby resolve, state and proclaim that our collective understanding and intent is that the Horse Racing Bill is to provide for a county-wide referendum of the people of the county in which the sponsoring municipality is located on the question of whether horse racing and pari-mutuel wagering thereon will be authorized in the sponsoring municipality, and we further resolve to commit our political and legislative influence to ensure that the voters in the county in which the sponsoring municipality is located shall have an opportunity to approve or disapprove, in a county-wide referendum, the authorization of horse racing and pari-mutuel wagering thereon, pursuant to the act resulting from passage of the Horse Racing Bill.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Rogers offered the motion to suspend the rules and adopt the resolution, H. J. R. 194.

DIVISION OF THE QUESTION

Rep. Payne called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Rogers to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 194, and the motion was lost, lacking a four-fifths vote.

Yeas 38; Nays 23.

Yeas:

Reps.: Bachus, Beers, Boles, Bowling, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Escott, Flowers, Goodwin, Gray, Horn, Johnson (Roy), Junkins, Kennedy, McDowell, McNair, Melton, Newman, Perdue, Pratt, Preuitt, Richardson, Rogers, Seibels, Spratt, Starkey, Trammell, White (G) and Zoghby.

—38

Nays:

Reps.: Adams, Blake, Box, Britnell, Brooks, Butler, Crow, Faulk, Gaston,

Grouby, Hammett, Holley, Hooper, Kvalheim, Laird, McKee, Mitchell, Payne, Poole, Rains, Starr, Turnham and Warren.

—23

The resolution, H. J. R. 194, was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carter, the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced:

By Reps. Carter, Butler and Drake:

H. J. R. 195. URGING THE UNITED STATES POSTAL SERVICE TO RESCIND ITS SUSPENSION OF OPERATIONS OF THE MOORESVILLE, ALABAMA, POST OFFICE.

WHEREAS, the post office in the Town of Mooresville, Alabama, established in 1819, is the oldest post office in the State of Alabama; the current structure was built in 1850 and is registered, along with the entire town, in the National Register of Historic Places in Washington, D. C.; and

WHEREAS, the residents of Mooresville, on March 28, 1984, received notification from SCM/Postmaster J. N. Lindstrom in Huntsville, Alabama, that the post office building would be "temporarily" closed, effective April 7, 1984, while a study was being made as to the feasibility of repairing the present structure and as to other service alternatives; and

WHEREAS, U.S. Code Section 404(B) however provides that at least 60 days' notice be given a community prior to the determination to close a post office, with said code section making no distinction between a "temporary" or "permanent" closing; and

WHEREAS, not only is the decision of the U.S. Postal Service to suspend operations in Mooresville apparently contradictory to said Section 404(B) of the U.S. Code, but the provisions for interim service for the citizens of Mooresville are totally unacceptable in terms of safety, convenience and expense to the residents of Mooresville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most strongly urge the U.S. Postal Service to rescind its suspension of operations of the Mooresville, Alabama, Post Office.

BE IT FURTHER RESOLVED, That we would respectfully request the Postal Service to allow the Mooresville post office to remain open while necessary repairs are being made to upgrade any deficiencies and thereby remove any justification for suspension of operations, either temporarily or permanently.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Alabama's Congressional Delegation, to the U.S. Postal Service and to Postmaster Lindstrom in Huntsville.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 195, was adopted.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 325. (With Substitute): To provide that the annual state salary payable circuit clerks and registers shall be \$35,000.00 so as to equitably adjust the ratio between said salaries and the salaries of other judicial officers and to appropriate such funds as may be necessary to pay such increase.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 201. To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 215. (With Substitute): To amend Section 2 of Act No. 83-889, Fourth Special Session of 1983, so as to provide that all oil or gas production by wells other than oil or gas produced by offshore production after January 1, 1985, shall be taxed at the rate of six percent of the gross value of said oil or gas at the point of production for a period of five years from the date production first begins.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 333. To amend Section 17-4-156 of the Code of Alabama 1975, relating to sessions of boards of registrars and working days for such boards, so as to provide that such sessions and working days shall be based on the fiscal year beginning October 1, 1984, and thereafter.

H. 519. To provide that full-time employees and executive officers of the Alabama Retired Teachers Association may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

H. 542. To make an appropriation of certain Trust Income from the Alabama Heritage Trust Income Account to Tuskegee Institute for capital outlay for the fiscal year ending September 30, 1984.

H. 567. To exempt any orthotic devices, human body drainage supplies, including pouches, seals, and appliances, collection and irrigating equipment, post-operative dressings, or other therapeutic products or devices, vitamins, minerals and dietary supplements, which are used, sold, furnished, dispensed or prescribed by any physician, as defined in this Act, in

the performance of his professional services from any city, county and state sales tax, and to make such exemptions retroactive.

H. 653. To establish the Alabama Advisory Council on Children and Youth; to prescribe the purpose, authority, powers, and duties of such Council; to place certain duties relative to identifying, promoting, and assisting in securing services in behalf of children and youth; to provide an information clearinghouse relating to children and youth; to serve as coordinating agency among those agencies dealing with children and youth; and to provide for an appropriation for said Council.

H. 659. To provide for the crime of library theft; to authorize, under certain circumstances, library employees or agents to detain suspected offenders if such detention is based on probable cause; to provide criminal and civil immunity for such library personnel for detentions and resulting arrests authorized under this act; to authorize arrest for the offense by law enforcement officers, without a warrant and upon probable cause; to provide a misdemeanor penalty for the offense which shall be cumulative to existing theft penalties of this state; and to require public and conspicuous display of the provisions of this act in libraries and other institutions covered by this act.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 668. (With Substitute): To provide for one additional circuit judgeship each for the 11th, 13th, 15th and 28th judicial circuits of Alabama; to provide for four additional circuit judgeships for the 10th judicial circuit; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judges; to increase the number of circuit judges in each of these judicial circuits by amending Section 12-17-20, Code of Alabama 1975; to provide for the designation of these additional judgeships to particular divisions of the respective circuit courts; to provide for the initial appointment by the Governor of judges to fill these positions beginning October 1, 1984; to provide for the subsequent election of judges to fill these positions; to provide an appropriation to the Unified Judicial System to fund said judgeships; to repeal Acts 82-546 and 82-676; and, to provide an effective date.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 677. To amend Section 38-7-2, Code of Alabama 1975, which relates to the licensing of child care facilities, so as to further define certain terms.

S. 11. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1984.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with

amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 176. (With Amendment): To provide facilities for displaying certain exhibits in cooperation with the Tennessee Valley Authority; to create the Tennessee Valley Authority Exhibit Commission of Alabama as an agency of the State of Alabama and to provide for its membership, terms, authority and duties; to authorize the issuance of revenue bonds to make an appropriation, for the fiscal year ending September 30, 1986, from certain funds received by the state in lieu of the payment of taxes pursuant to Title 40, Chapter 28, Code of Alabama 1975, and to amend Section 40-28-2, Code of Alabama 1975 therefor; to authorize the allocation and expenditure of funds; and to provide exemptions from all taxes.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 256. Relating to Civil Rights' History; creating a state commission known as the Alabama Institute of Civil Rights' History to be located in Birmingham; providing for a Board of Trustees; and prescribing the method of appointment, its duties and authorities, and providing for employees.

S. 314. To provide that any appropriations made to the Public Education Employees' Health Insurance Board for the purpose of funding a uniform plan of health insurance for educational personnel shall also include an appropriation to the Public Education Employees' Health Insurance Board for partially funding insurance coverage for retired employees.

S. 316. To provide for a one-time appropriation from the special educational trust fund to the emergency secondary education scholarship fund for the 1983-84 academic year.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 76. (With Amendments): To further regulate and control transactions in alcoholic beverages which take place in Alabama by and under the supervision of the Alabama alcoholic beverage control board; to authorize municipal option elections to determine classification of municipalities as wet or dry municipalities as to alcoholic beverages; to provide that any municipality having a population of 6,000 or more located in a dry county, may change its classification from dry to wet or wet to dry by a municipal option election, upon the petition of 10% of the number of registered voters in said municipality; to provide for the manner and requirements of holding said municipal option election and for payment of the expenses of same; and to provide that a period of not less than 720 days must elapse between the dates of such municipal option elections.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 553. To provide for the government and control by Civil Service regulations of full-time deputy sheriffs of each county not already covered by a Civil Service Board system in each such county and to fix the duties,

authority, powers, and method of compensation of each such board; and to provide for penalties for violations.

S. 258. To amend Code of Alabama 1975, §§ 13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 600. (With Amendment): To create the Motor Fuel Marketing Act in order to protect Alabama's consumers against major oil company monopolies; to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel in wholesale and retail trades; to provide for enforcement of the Act and penalties for violations; and for related purposes as well as to make certain declarations.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 679. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to authorize the Alabama Corrections Institution Finance Authority to lease correctional facilities to municipal corporations, public corporations, counties, the federal government and agencies of the federal government; to provide that members, officers, directors and employees of the Authority shall not be personally liable for obligations of the Authority; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to provide for the maximum maturity of bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to authorize municipal corporations, public corporations and counties to convey property to the Authority and to lease correctional facilities from the Authority; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the Authority; and to exempt all leases of the Authority from the competitive bid laws.

H. 326. To amend section 32-8-2 of the Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft Act, so as to redefine and clarify the definition of "owner".

S. 128. To amend Section 28-3A-25, Code of Alabama 1975, which provides for certain unlawful acts and offenses under the Alcoholic Beverage Licensing Code, so as to further define the offense of sales of alcoholic beverages to minors.

H. 602. To provide that the governing body of any municipality may enact proposals to regulate the opening and closing of businesses on Sunday, situated within its jurisdiction; to prescribe that such proposals shall only become effective upon the approval of the qualified electors within such municipality; and to limit the number of such elections.

H. 149. Relating to certain real property in Fort Morgan, Alabama, so

as to transfer that parcel of property and improvements thereon from the Alabama historical commission to the state highway department to be used as a public ferry boat landing facility and parking facility for a ferry service between Fort Morgan and Dauphin Island; to legally describe said parcel of property; to provide that persons using the ferry service shall have the right of entry and exit from and through Fort Morgan Park area free of charge unless the ferry customers use park facilities; and to authorize the state highway department and the state department of conservation and natural resources to enter agreements for the department of conservation and natural resources to operate the fishing pier facilities on said parcel of property.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 657. (With Amendment): To amend Section 6-10-126, Code of Alabama 1975, which provides for exemption of certain personal property from levy of an execution or attachment.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 596. (With Amendment): To authorize any municipality or group of municipalities, either individually or collectively, to establish a health and accident self-insurance group for the purpose of providing health care and hospital benefits for their officers, employees and family members dependent upon such officers or employees; to authorize the use of public funds in providing such benefits; to provide procedures for the establishment and operation of such groups; to exempt such groups from the regulation by the Department of Insurance of the State of Alabama; to exempt such groups from insurance premium taxes; and to establish an effective date.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 611. (With Substitute): To establish the "Forestry Improvement Act of 1984" and a State Forestry Improvement Program for the purposes of improving Alabama forestland and forestry development, and the manner of application therefor; to provide definitions, the powers, duties, and authority of the Alabama Forestry Commission relative to this program; to create the "Forestry Improvement Fund" and provide for the manner for depositing to, and making appropriations from, such funds; to make certain appropriations from the net proceeds collected and deposited from the severance of forest products and the processing or manufacturing of forest products; to levy additional severance taxes to those taxes levied by Section 9-13-81 and 9-13-82 (a) and (b) of the Code of Alabama 1975, which also provides for privilege taxes levied on the severer and processor or manufacturer of timber; to provide for certain duties of the Alabama department of revenue relative to the collection of revenues generated by such taxes and the maximum fee for such service; to provide for a committee of forest landowners and industry representatives to advise the Alabama Forestry Commission as to the implementation of such program; to authorize the Ala-

bama Forestry Commission to secure any federal, state or local funds, grants or money; to authorize the local governments to appropriate or grant funds or money to the said commission for the program; and to provide for their duties and powers.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 252. To require all persons born on or after October 1, 1971, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to prohibit the issuance of any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1971, and of 16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor certification procedure, and to approve other courses; to provide penalties for violation of this act.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 219. To repeal section 34-6-8, Code of Alabama 1975, which prohibits the operation of pool or billiard tables outside of an incorporated city or town having a police force, to repeal Section 34-6-4, Code of Alabama 1975, relating to hours when billiard rooms may be operated; to provide for the hours a billiard room may operate and to provide that the county commission may promulgate rules regarding billiard rooms operating in the county and fix certain license fees.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 11. (With Substitute): To amend Section 11-43-40, Code of Alabama, 1975, relating to the composition of city councils in cities having a population of 12,000 or more so as to provide for a procedure to establish a council of not more than seven aldermen to be elected from districts and a council president to be elected at large; to provide a waiver of the requirement that the composition of a city council in a city having a population of 12,000 or more must be changed at a time more than six months prior to any general municipal election in the event the voters of such city have voted to change the form of government to the mayor-council form of government at an election held at a time within nine months of the date of the next ensuing general municipal election.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 640. To amend Section 11-46-69 of the Code of Alabama 1975, relating to procedure for contesting certain municipal elections, so as to provide further for such procedure by allowing a municipal governing body to provide by resolution for a recount in such contested elections.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 635. Relating to Walker County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment, supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the Walker County legislative delegation.

H. 636. Relating to Walker County; providing an additional expense allowance for the coroner.

H. 658. Relating to Blount County; to repeal Act No. 214, H. 635, Regular Session 1976 (Acts 1976, p. 229), entitled "To permit hunting of deer with dogs in all counties having a population of not less than 26,725 nor more than 27,250 according to the most recent or any subsequent federal decennial census."

H. 674. Relating to Jackson County; providing for an appropriation for the relief of Mr. Willie Dean Mount and providing for a retroactive effect.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Cosby, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

H. J. R. 196. WISHING MRS. MILDRED GRIFFEN A SPEEDY RECOVERY.

WHEREAS, the Alabama Legislature expresses sincere and deep regret in the illness of Mrs. Mildred Griffen; and

WHEREAS, happily, however, Mrs. Griffen has returned to her home in Prattville to recuperate from surgery, and the prognosis for her complete recovery is excellent; and

WHEREAS, Mrs. Griffen, an employee of AT&T, has covered the ro-

tunda telephone message center during Legislative sessions for a number of years and, through close association, has become a personal and valued friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely wish Mrs. Mildred Griffen the speediest possible recovery, and that she soon will be back with us at the Capitol.

BE IT FURTHER RESOLVED, That Mrs. Griffen receive a copy of this resolution in expression of our sincere best wishes and of our highest regard for her both as co-worker and friend.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 196, was adopted.

Also:

By Reps. Cosby, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

H. J. R. 197. WISHING MRS. MARY HOLLEY A SPEEDY RECOVERY.

WHEREAS, the Legislature of Alabama expresses deep regret in the illness of Mrs. Mary Holley who is hospitalized in Montgomery's Baptist Hospital following surgery; and

WHEREAS, we are indeed happy to learn that the prognosis for her complete recovery is excellent and, hopefully, she soon will be able to return to her home in Elba; and

WHEREAS, though Mrs. Holley, of course, is the wife of our colleague, Representative Jimmy Holley, she also is our close friend of many years and her quick return to good health is foremost in our minds and hearts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely wish Mrs. Mary Holley the very speediest possible recovery and direct that she receive a copy of this resolution, expressing our sincere regard for her as our personal and valued friend.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 197, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Perdue:

H. R. 198. MOURNING THE DEATH OF MR. B. FRANK DAVIS OF BIRMINGHAM, ALABAMA.

Also:

By Rep. Flowers:

H. R. 199. CONGRATULATING MR. AND MRS. ROBERT C. WILKES ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

By Rep. Melton:

H. R. 200. MOURNING THE DEATH OF REVEREND J.C. BROWN OF TUSCALOOSA, ALABAMA.

Also:

By Rep. Melton:

H. R. 201. MOURNING THE DEATH OF MRS. BETTYE J. KESLER.

Also:

By Rep. Blakeney:

H. R. 202. COMMENDING AND CONGRATULATING MR. PHILLIP VINCENT GADDY FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolution was introduced:

By Rep. Buskey (John):

H. J. R. 203. COMMENDING ST. PETER'S CATHOLIC CHURCH, MONTGOMERY, ALABAMA, ON THE OCCASION OF ITS SESQUICENTENNIAL, FOR ITS OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY AND STATE.

WHEREAS, St. Peter's Catholic Church of Montgomery, Alabama, has served the spiritual needs of its community since 1834, and the members and priests who have served St. Peter's have demonstrated to an uncommon degree sensitivity to the needs of the community for the betterment of the citizens of this State; and

WHEREAS, St. Peter's Church and its members and clergy for generations have been leaders in fighting for social justice and rights of the community and have worked for the enrichment of their fellow citizens, spiritually, culturally, civically and economically; and

WHEREAS, St. Peter's Catholic Church, Montgomery, Alabama, which sprang from a small wooden Church, is the second oldest Catholic Church in the Diocese of Mobile and was dedicated on April 25, 1834, with the first Catholic members meeting in the homes and at various locations from 1831 until that time, and now has a membership of over 250 families; and

WHEREAS, St. Peter's Church assisted the community at large in times of crisis and contributed immeasurably to the civic, educational, cultural and economic endeavors of the community and State of Alabama and its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend the parishioners of St. Peter's Catholic Church, Montgomery, Alabama, and the pastor, Reverend Patrick O'Connor, whose lives and exemplary devotion have inspired us, and we do express our admiration for their contributions to the development of their community and the State of Alabama.

FURTHER RESOLVED, That we do convey our best wishes on the occasion of the Sesquicentennial of St. Peter's Catholic Church, Montgomery, Alabama, on April 25, 1984.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent by the Clerk of the House to St. Peter's Catholic Church and to the pastor, Reverend Patrick O'Connor, so that they may know of our high esteem and admiration.

On motion of Rep. Buskey (John), the rules were suspended and the resolution, H. J. R. 203, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. White (G):

H. R. 204. COMMENDING MEMBERS OF THE HOMEWOOD HIGH SCHOOL DEBATING TEAM.

Also:

The following resolutions were introduced:

By Rep. Campbell:

H. R. 205. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That there is hereby created a committee composed of three members of the House appointed by the Speaker of the House to advise with the Clerk of the House and architectural consultants on the location of the House Chamber and House offices in the Alabama Highway Department Building.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 205, was adopted.

Also:

By Reps. Newman, Black and Cosby:

H. J. R. 206. COMMENDING MR. JAMES P. HOMER FOR OUTSTANDING CONTRIBUTIONS TO LIVINGSTON UNIVERSITY.

WHEREAS, the May 1984 retirement of Mr. James P. Homer will bring to a close a distinguished tenure of some 35 years in association with Livingston University; and

WHEREAS, retiring as executive vice president at Livingston, Mr. Homer also serves as advisor to the Student Government Association, Interfraternity Council and Blue Key national honor fraternity; and

WHEREAS, Mr. Homer has held former positions as teacher and coach, as chairman of the Department of Health, Physical Education, and Recreation, Athletic Director, Dean of Men and Dean of Students; and

WHEREAS, included among Mr. Homer's committee assignments at Livingston University, many of which he chaired, are the Security, Inter-Racial, Discipline, Athletic, Institutional Research, Admission and Retention, Publications and Freshman Studies committees; and

WHEREAS, Mr. Homer is the recipient of a number of prestigious honors, including Outstanding Educators of America, the Distinguished Service Award of the Livingston University National Alumni Association and the Outstanding Faculty Award; he further has been distinguished with the establishment, in his honor, of the James P. Homer Award for Athletics, the James P. Homer Outstanding Organization Award and the James P. Homer Scholarship Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Mr. James P. Homer, for extraordinary and distinguished service to Livingston University.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. Homer, in expression of the Legislature's deep gratitude and esteem, and in extension of sincere best wishes for every continuing success in life.

On motion of Rep. Newman, the rules were suspended and the resolution, H. J. R. 206, was adopted.

Also:

By Reps. Moore and Tanner:

H. J. R. 207. COMMENDING MISS TERESA LYNN CHAPPELL OF STERRETT, ALABAMA, MISS ALABAMA USA TEEN.

WHEREAS, the Legislature of Alabama, in consensus of commendation, extends heartiest congratulations to Miss Teresa Lynn Chappell who currently reigns as Miss Alabama USA Teen; and

WHEREAS, Miss Chappell, who is the daughter of Mr. and Mrs. Frank Chappell of Sterrett, Alabama, is an eighteen year old senior at Chelsea High School where she excels academically and participates in numerous school-related and extra curricular activities; and

WHEREAS, she has served as president of both the Junior Class and the Junior Beta Club, as Student Council Representative, member of the annual staff and was elected to Senior Who's Who; and

WHEREAS, Miss Chappell, in addition to Miss Alabama USA Teen, also has been honored as Miss Chelsea High School, Miss Shelby County Agriculture, Miss Chelonet, and as one of the top ten finalists in the Shelby County Junior Miss Pageant; and

WHEREAS, she is a member of Mount Signal Baptist Church and also includes piano, singing and cooking among other activities and hobbies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Miss Teresa Lynn Chappell for outstanding achievement; we further

congratulate her, with great pride, as Miss Alabama USA Teen and direct that she receive a copy of this resolution in token of our regard and with best wishes for every future success in life.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 207, was adopted.

Also:

By Rep. Mikell:

H. J. R. 208. COMMENDING MISS HEATHER BRYANT OF COOSADA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize outstanding achievement by Alabama's young citizens, the legislature today notes the many notable accomplishments of Miss Heather Bryant of Coosada, Alabama; and

WHEREAS, Miss Bryant, a seventeen-year old senior and honor student at Montgomery's Saint James School, is a National Merit Scholarship Finalist, 1983 summer Exchange Student to Holland, Who's Who Among American High School Students, member and vice president of the National Honor Society and was included in the United States Achievement Awards Yearbook; and

WHEREAS, she further is a member and/or officer in a number of her school's academic and extra-curricular organizations and is an accomplished musician and student of the dance, as well, with numerous awards, accolades and honors attesting to her talent and extraordinary ability; and

WHEREAS, Miss Bryant, a member of Saint James' 1983 Homecoming Court and first runner-up for Elmore County's Junior Miss, is a member of the choir of Saint Michael and All Angels Episcopal Church, has served for two years as pianist for the Montgomery School of Ballet and is self-employed as a piano, clarinet and math teacher; and

WHEREAS, as a result of Miss Bryant's singular achievement, and most particularly in academic endeavors, she was selected to receive a four-year Air Force ROTC scholarship and an Alumni Scholarship to the University of Alabama, but has elected instead to accept an appointment to the United States Naval Academy where she plans to major in aerospace engineering; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Miss Heather Bryant of Montgomery's Saint James School and further extend our sincere congratulations on her appointment to the U.S. Naval Academy.

BE IT FURTHER RESOLVED, That Miss Bryant receive a copy of this resolution that she and her parents, Mr. and Mrs. Preston Bryant, and other family may know of our sincere praise and warm best wishes for Heather's every future success in life.

On motion of Rep. Mikell, the rules were suspended and the resolution, H. J. R. 208, was adopted.

Also:

By Rep. Gaston:

H. J. R. 209. COMMENDING JOHN SHAW HIGH SCHOOL, MOBILE, ALABAMA, ON THE 20TH ANNIVERSARY OF ITS FOUNDING.

WHEREAS, John Shaw High School in Mobile, Alabama, is celebrating its 20th Anniversary in 1984; and

WHEREAS, since its inception, John Shaw High School's graduates have assumed, and continue to assume, leadership positions in the community; and

WHEREAS, the curriculum of John Shaw High School is providing for the needs of these future leaders as evidenced by the student body's achievement above national and state norms in the California Achievement Test profiles and the Alabama Basic Skills Test graphs, respectively; and

WHEREAS, as of 1982-83, John Shaw High School had more National Merit Semi-finalists than any other Mobile County public school and, in 1983, more National Merit Finalists than any other public or private school in the county; and

WHEREAS, it is further to be noted that more than 80% of the student body at John Shaw High School aspire to careers requiring post-high school education and/or training; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of excellence of education, we herein express highest commendation of John Shaw High School, Mobile, Alabama, and direct that copies of this resolution be provided for appropriate distribution and display.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 209, was adopted.

Also:

By Rep. Holley:

H. J. R. 210. COMMENDING THE ENTERPRISE HIGH SCHOOL "WILDCAT" BAND.

WHEREAS, The Enterprise High School "Wildcat" Band has been designated by Governor George C. Wallace as the Official Representative of the State of Alabama to the 63rd annual Festival of States in St. Petersburg, Florida, on March 26-April 7, 1984; and

WHEREAS, from 1981-82 the band took first place honors in both the Mid-Alabama Festival and the Peach State Festival and were the Grand Sweepstakes Champions at the Fountain City Festival; and

WHEREAS, from 1982-83 the band placed first All Superior at both the Deep South Festival and the Sunbelt Invitational and was selected to perform at College Band Directors National Convention in Atlanta; and

WHEREAS, from 1983-84 the band won first place honors All Superior at the Heart of Dixie Festival and the Southeastern States Festival; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That The Enterprise High School "Wildcat" Band be commended for its outstanding achievements and honors.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. William W. Hickman, Band Director, for his dedication and leadership of The Enterprise High School "Wildcat" Band.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 210 was adopted.

Also:

By Rep. Holley:

H. J. R. 211. COMMENDING THE ELBA HIGH SCHOOL "MARCHING TIGER" BAND.

WHEREAS, The Elba "Marching Tiger" Band, which is made up of 96 members, has worked very hard to maintain the superior organization that has been developed over the years; and

WHEREAS, during the years 1981-82 they received a Superior Rating at the Hoover Invitation Marching Band Festival, the Southeastern States Marching Band Festival, the Enterprise Marching Band Festival, the ABA District Concert Band Festival, and the Alabama State Band Festival, and was selected to march in The 1982 World's Fair Parade and outdoor concert held in Knoxville, Tennessee; and

WHEREAS, during the years 1982-83 the "Marching Tiger" Band received a Superior Rating at the Southeastern States Marching Band Festival, the Southland Band Classic, the ABA District Concert Band Festival, and the Alabama Bandmasters State Band Festival, and were the Feature Band in "Main Street USA" Parade at Disney World; and

WHEREAS, during the years 1983-84 they received a Superior Rating and Best in Class at the Heart of Dixie Marching Band Festival, the Southeastern States Marching Band Festival, and the ABA District Concert Band Festival; and

WHEREAS, on April 7, 1984, the "Marching Tiger" Band will perform for the "Cherry Blossom Festival Parade" held in Washington, D.C. and are the only band from Alabama selected for this prestigious honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Elba High School "Marching Tiger" Band be commended for their outstanding achievements performed under the leadership of Band Director Steve Thompson.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Director Steve Thompson as a gesture of our fond commendation.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 211, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 212. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, April 5, 1984, we adjourn to meet again on Tuesday, April 10, 1984, at 2:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 212, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By: Senators Foshee, Corbett, Parsons, Covington, Bennett, Dial, Cabaniss, and Amari:

S. 321. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 321. State Administration.

LEAVE OF ABSENCE

At the request of Rep. Johnson (Roy), leave of absence was granted for Rep. Biddle.

At the request of Rep. Warren, leave of absence was granted for Rep. White (F).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Little:

S. J. R. 127. COMMENDING MR. AND MRS. HOBART LOVE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Senators Bedsole, Menton, and Figures:

S. J. R. 128. COMMENDING DR. WILLIAM D. WEAVER, JUNIOR, OF MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. White (L), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 127, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Harper, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 128, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Rep. Rogers:

H. J. R. 213. Clarifying and expressing legislative intent with regard to House Bill No. 13 to permit horse racing in any Class 1 municipality.

WHEREAS, on March 27, 1984, the Legislature of Alabama enacted a House Bill No. 13 (the "Horse Racing Bill") to authorize horse racing and pari-mutuel wagering thereon in Class I municipalities, subject to the condition that such activities be approved in a referendum held for the voters of the county in which such activities are to be conducted. As advertised pursuant to the requirements of Sections 106 and 110 of the Constitution of Alabama and as originally introduced in the Legislature, the Horse Racing Bill provided for a referendum that would involve only the voters of the Class I municipality that would sponsor horse racing. The Horse Racing Bill was amended in passage to add a new section which provided for a referendum among all voters in the county, as well as among the voters in the sponsoring municipality. The Horse Racing Bill contained a specific severability clause expressing the legislative intent that constitutional infirmities in the provisions for a county-wide referendum should not result in the invalidation of the entire act; and

WHEREAS, the members of the House and Senate of the State of Alabama understand that the Governor is concerned that the severability clause applicable to the county-wide referendum might be invoked in a lawsuit brought for the purpose of restricting referendum to voters in the sponsoring municipality. The severability clause was included for the opposite purpose of protecting the horse racing legislation from a legal attack that might be brought by disappointed opponents after they had lost a county-

wide referendum. Due to the fact that the county-wide referendum was not reflected in the notice published with respect to the Horse Racing Bill, and also due to the possibility that the provisions for a county-wide referendum might convert the bill into legislation primarily applicable to a county clearly identified as Jefferson County — as distinguished from a general act applicable to a class of municipalities sanctioned by Section 110 of the Constitution of Alabama — the sponsors of the Horse Racing Bill were apprehensive that the amendment thereto providing for a county-wide referendum would give opponents an opportunity to mount a legal attack against the bill even if it were approved by a majority of the voters in the county; and

WHEREAS, the members of the House and Senate of the State of Alabama hereby state and proclaim their collective intention and understanding that the Horse Racing Bill is to provide for a county-wide referendum on the question of whether horse racing and pari-mutuel wagering thereon will be authorized in the sponsoring municipality, subject to legal permissibility therefor; and whereas, they deplore the possibility of there taking place any legal attack upon such a county-wide referendum, and express their desire, and commit their political and legislative influence to the principle, that the voters of the county in which the sponsoring municipality is located should have an opportunity to approve or disapprove, in a county-wide referendum, the authorization of horse racing and pari-mutuel wagering thereon pursuant to the act resulting from passage of the Horse Racing Bill; and

WHEREAS, a majority of the Senators and Representatives from the sponsoring county of Jefferson have certified to the Governor that this is and was their individual intention with respect to the passage of the Horse Racing Bill; and

WHEREAS, we understand that the Governor has also been informed in writing by the proposed or contemplated developers of the horse racing facility that they also understand and support a county-wide vote on the issue and that they would defend at all times the validity of a county-wide election;

NOW THEREFORE, WE, the Legislature of the State of Alabama, both houses concurring, do hereby resolve, state and proclaim that our collective understanding and intent is that the Horse Racing Bill is to provide for a county-wide referendum of the people of the county in which the sponsoring municipality is located on the question of whether horse racing and pari-mutuel wagering thereon will be authorized in the sponsoring municipality, and we further resolve to commit our political and legislative influence to ensure that the voters in the county in which the sponsoring municipality is located shall have an opportunity to approve or disapprove, in a county-wide referendum, the authorization of horse racing and pari-mutuel wagering thereon, pursuant to the act resulting from passage of the Horse Racing Bill.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 213, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S. J. R. 117. MOURNING THE DEATH OF MR. CYRUS E. NEWMAN, PROMINENT ALABAMA CONSERVATIONIST.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Moore, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 117, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Sanders:

S. J. R. 142. COMMEMORATING THE DEATH OF DR. MARTIN LUTHER KING, JR.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Moore, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 142, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dixon, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague:

S. J. R. 132. MOURNING THE DEATH OF FORMER STATE SENATOR JUNIUS J. (JUNIE) PIERCE OF MONTGOMERY, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the death of Mr. Junius Julius Pierce of Montgomery, Alabama, on February 2, 1984, at the age of 78 years; and

WHEREAS, a native and lifelong resident of Montgomery, Mr. Pierce was a prominent real estate and insurance executive of that city; he was a

graduate of Sidney Lanier High School and attended Auburn University, Emory University and the University of Alabama; and

WHEREAS, in addition to his successful business activity, Mr. Pierce also was involved in numerous civic and community affairs, including the Montgomery Lions Club and Trinity Presbyterian Church, among others, which substantially benefitted from his continuing support; and

WHEREAS, he served as vice chairman of the Montgomery Parks and Recreation Board for some seven years and, in 1958, committed himself to further public service through election to the Alabama House of Representatives; following two full terms in that office, Mr. Pierce was elected to the Alabama Senate, to serve two additional terms, and a total of sixteen years in the Legislature; and

WHEREAS, Junie Pierce was indeed a distinguished Alabamian who stood tall among men; he was an honorable and compassionate individual, totally selfless in word, thought and deed, and his presence among us is sorely missed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply bereaved in the death of our good friend and former colleague, Mr. Junius J. (Junie) Pierce of Montgomery, Alabama, and extend our very deepest sympathy to his family, whose sorrow also is ours.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Mr. Pierce's family: his wife, Mrs. Hazel Pierce; his daughter, Ann Pierce O'Neal; his son, Junie Pierce, III; and his sister, Mrs. Kate Pierce Cook.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Moore, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 132, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 119. COMMENDING THE GAMMA OMEGA CHAPTER OF PI KAPPA PHI FRATERNITY AT THE UNIVERSITY OF MONTEVALLO.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Moore, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 119, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Smith (J), Mitchem, Drinkard, Teague, Denton, Parsons, Figures, Bennett, Langford, Menton, Hand, Dial, deGraffenried, Foshee, Aldridge, Holmes, Little, Bedsole, Goodwin, Amari, Corbett, Bailey, Bishop, Smith (B), Covington, Cooley, Sanders, Strong, and Bedford:

S. J. R. 126. URGING THE CLERK OF THE HOUSE OF REPRESENTATIVES AND THE SECRETARY OF THE SENATE TO HAVE TOLL-FREE INCOMING CALL TELEPHONE SERVICE INSTALLED FOR THE BENEFIT OF THE PUBLIC DURING LEGISLATIVE SESSIONS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 126, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Black (With Notice and Proof):

H. 693. To further provide for the Greene County Racing Commission; to amend Act No. 376, H. 1040, of the 1975 Regular Session (Acts 1975, p. 926) as amended, relating to the Greene County Racing Commission, its creation, composition, appointment and terms of office, and compensation so as to provide that the Greene County Legislative delegation shall make such appointments and further to increase the composition of the Racing Commission from three to five members and decrease the term of office; to provide for the investment of monies deposited to the credit of the Racing Commission; to provide for the appointment of a Legislative Liaison and compensation; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide a source of funding for the retirement of debt service for a new Greene County courthouse and jail; and to repeal conflicting laws.

Committee on Ways and Means.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 693, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Black (With Notice and Proof):

H. 694. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Geiger in Sumter County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 694, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Trammell (With Notice and Proof):

H. 695. Relating to Jefferson County; to amend Section 2 of Act No. 681, H. 505 of the 1977 Regular Session of the Alabama Legislature, (Acts 1977, p. 1181), relating to the compensation of the executive assistant to the sheriff of Jefferson County so as to provide further for said compensation of the executive assistant; and to repeal Act No. 83-589 of the 1983 Regular Session.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 695, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Flowers:

H. 696. Relating to the abandonment of the commission form of government by Class 7 municipalities; providing for the call of a referendum on the adoption of a mayor-council form of government with five (5) single-member districts; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, all legal proceedings, and pension funds; providing for the continuation of all subordinate agencies of the municipality and all ordinances; providing for an effective date of this act, the repeal of all conflicting laws, and the severability of the provisions of this act.

Committee on Local Government.

By Rep. Zoghby:

H. 697. To amend Section 40-2-64, Code of Alabama 1975 so as to remove the limitation of the number of assistant counsels which may be appointed to transact the legal business of the Department of Revenue.

Committee on Ways and Means.

By Rep. Zoghby:

H. 698. To amend section 36-26-17, Code of Alabama 1975, as amended so as to further provide for exceptions to appointments in the classified service.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 699. Revising the Laws of Alabama in Title 40 of the Code of Alabama as amended, providing for timely mailing as timely filing, conforming

certain rules concerning the determination of basis to the federal income tax rules; conforming certain rules concerning the recognition of gains to the federal income tax rules; deleting obsolete provisions; clarifying the treatment of qualified cash or deferred arrangements; providing for the taxation of corporate distributions; extending the filing deadline where an extension of time for filing has been requested; allowing corporations to elect not to pay the corporate income tax by having their shareholders taxed on all such income, deductions, etc. under rules similar to those of Subchapter S of the Internal Revenue Code; exempting from the income tax certain charitable, educational, etc. organizations; allowing a carryforward of net operating losses for 15 years without limitation on amount; imposing a tax on unrelated business taxable income of certain otherwise exempt organizations; modifying certain deductions of corporations; allowing a deduction of amortized portions of the expenses of organizing a corporation; conforming the rules concerning installment sales to reflect the current federal income tax rules and modifying such rules to limit the avoidance of the Alabama income tax; allowing corporations which are members of an affiliated group to file combined returns; extending the statute of limitations for the collection of income taxes in certain situations, extending the statutes of limitations for the refund of income taxes in certain situations, and providing that the above changes shall, with specified exceptions, take effect for taxable years beginning after December 1, 1983.

Committee on Ways and Means.

By Rep. Grayson (With Notice and Proof):

H. 700. To authorize Madison County, Alabama, to provide for the forfeiture of devices and weapons used in the commission or attempted commission of any crime against a person; to provide for the forfeiture of devices or weapons upon the conviction of a person of the crime of carrying a concealed weapon; to provide for the forfeiture of any device or weapon denominated as unlawful under the laws of the state or which is found on or about the person of any person who is prohibited by law from carrying or possessing said device or weapon; and to provide for the forfeiture of any device or weapon which is abandoned or otherwise found and the lawful owner cannot be located; and to exempt motor vehicles from the provisions of the act. To further provide for the disposition of said devices or weapons by the District Attorney by means of destruction, sale, or use for historical, instructional, or law enforcement upon court order and to exempt devices or weapons which are found to be stolen or otherwise wrongfully possessed and the lawful owner is located.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 700, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Grayson (With Notice and Proof):

H. 701. Relating to the city of Huntsville, Alabama; providing further for the city council by providing for election of the members of such council from certain defined districts; providing for certain concurrent terms of office for such members.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 701, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Grayson (With Notice and Proof):

H. 702. Relating to the city of Huntsville, Alabama; providing further for the city board of education by providing for election of the members of such board from certain defined districts and providing terms of office for such members which shall run concurrently with those of the mayor and the members of the city council.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 702, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Black and Blakeney:

H. 703. To increase the salary of supernumerary probate judges receiving vested compensation under Act No. 606, S. 112 of the 1969 Regular Session of the Alabama legislature.

Committee on Ways and Means.

By Rep. Clark (J):

H. 704. To amend Section 27-41-27, Code of Alabama 1975, which provides for investments of life, disability and burial insurers in securities of or in foreign countries; so as to provide further for investments within foreign countries, which investments shall possess characteristics similar to investments that are eligible as admitted assets pursuant to this chapter for investments within the United States of America.

Committee on Ways and Means.

By Reps. Britnell, Lauderdale, and Newman (With Notice and Proof):

H. 705. To authorize the Marion County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 705, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Faulk:

H. 706. To amend Section 40-21-82.1 of the Code of Alabama 1975,

relating to the utility gross receipts tax so as to exempt the Quint-Mar Water and Fire Protection Authority from said tax.

Committee on Ways and Means.

By Rep. Starkey:

H. 707. A bill to amend Act No. 83-498, 1983 Regular Session of the Legislature of Alabama, to make the appropriation contained in said Act No. 83-498 in the amount of Six Million Five Hundred Thousand Dollars (\$6,500,000), constitute and consist of a supplemental appropriation for the period ending September 30, 1983 and an appropriation for subsequent fiscal years, from monies comprising Trust Capital of The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of requisitions submitted by the Alabama Housing Finance Authority for its payment of costs and expenditures (including funding of debt service reserve funds) incurred by it in the exercise of the powers granted to it by law, and to validate disbursements made to said Authority between August 1, 1983 and October 31, 1983 and to provide that any requisitions paid after December 31, 1983 shall only be made in connection with issuance of single family mortgage revenue bonds, the interest on which is exempt from federal income taxation.

Committee on Ways and Means.

By Rep. Campbell:

H. 708. To provide for the voluntary dissolution of solvent subsidiary corporations organized under Alabama law; to provide for the transfer of rights and properties and assumption of liabilities and duties thereof; to provide for the execution, contents and filing of articles of dissolution; to provide for the issuance of a certificate of dissolution, the effect and time of effectiveness thereof; to provide that this act shall be included in the Code of Alabama 1975 as Section 10-2A-181A; and to provide for an effective date.

Committee on Judiciary.

By Reps. Poole, Johnson (Roy), Bryant, and Holley:

H. 709. To amend Sections 22-3-1 and 22-3-2, Code of Alabama, 1975, as amended, which relates to the composition and duties of county boards of health so as to further provide for such composition and duties.

Committee on Judiciary.

By Rep. Tanner (With Notice and Proof):

H. 710. An act, to restate, confirm, and describe the boundaries and corporate limits of the City of Alabaster, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 710, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Campbell:

H. 711. To amend Section 70 of the Alabama Business Corporation

Act (Acts 1980, No. 80-633), now § 10-2A-111, Code of Alabama 1975, relating to procedure to amend articles of incorporation of Alabama business corporations.

Committee on Judiciary.

By Reps. Bachus, White (G), Beers, and Hooper:

H. 712. To amend Section 13A-11-63, Code of Alabama 1975, relating to the possession and sale of short-barreled rifles or short-barreled shotguns, so as to provide for the seizure and disposition of such weapons.

Committee on Judiciary.

By Reps. Hettinger, Hall, Albright, Butler, and Brooks (With Notice and Proof):

H. 713. Relating to Madison County; to exempt from all county and local ad valorem taxes all property owned and used by the Mayfair Towers Corporation, a Huntsville, Alabama, corporation.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 713, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Newman (With Notice and Proof):

H. 714. Relating to Lamar County; to amend Section 1 of Act No. 82-511, H. 796, of the 1982 Regular Session so as to provide that twenty-five percent of all funds accruing to Lamar County from the oil and gas privilege tax pursuant to Sections 40-20-1 through 40-20-13 of the Code of Alabama 1975, shall be transferred to the county board of education; and to provide that the funds so transferred shall be spent by the county board of education for capital improvement or for the purchase of school buses.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 714, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Coburn:

H. 715. To make appropriations for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Rep. Beers:

H. 716. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years of age to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

Committee on Health.

By Rep. Johnson (Roy):

H. 717. To amend Section 16-3-9, Code of Alabama, 1975, which provides for a specific expense allowance for each member of the State Board of Education.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 718. To amend Section 16-3-9, Code of Alabama, 1975, which provides for a specific expense allowance for each member of the State Board of Education.

Committee on Ways and Means.

By Rep. Pratt (With Notice and Proof):

H. 719. Relating to Class I municipalities; to levy and impose in any such municipality and in the police jurisdiction thereof, a special license fee for each coin operated machine used by the public on business premises for amusement or as vending machines; to prescribe the amount of such fee; to fix responsibility for compliance; to provide for the administration and collection of such fee by the municipal governing body and to provide for the disposition of revenues collected from such special license fee.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 719, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Mathis and Grimsley (With Notice and Proof):

H. 720. Relating to law enforcement in Houston County; to amend Sections I, II and III of Act No. 671, 1967 Regular Session (Acts 1967, p. 1495), relating to the issuance of pistol permits in Houston County, so as to provide further for permit fees, distribution of such fees and issuance of such permits.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 720, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Mathis:

H. 721. To reopen the Retirement Systems of Alabama in order to allow active and contributing members and former such members with vested retirement benefits to claim and purchase credit for military and public service and to provide for its termination.

Committee on Ways and Means.

By Rep. Mathis:

H. 722. To provide for the granting of up to five (5) years creditable service under the Teachers' Retirement System of Alabama or under Em-

ployees' Retirement System of Alabama, for public service rendered to cities or counties of Alabama not covered under the Employees' Retirement System of Alabama.

Committee on Ways and Means.

By Reps. Poole and Bryant (With Notice and Proof):

H. 723. Relating to Hale County; to authorize the Hale County Commission to appoint, under the rules of the merit system of the state of Alabama a county health administrator with full administrative authority of the Hale County Health Department and to provide for the duties of such officer.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 723, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Clark (J):

H. 724. To provide for the establishment of a uniform plan of health insurance for local governmental employees and, under certain conditions, retired employees, of employers participating in the employees' retirement system of Alabama under the provisions of Section 36-27-6, Code of Alabama 1975, as amended; to provide for the creation of the Local Employees' Health Insurance Board, its membership, terms, authority, responsibilities, powers, and duties; to prescribe the coverage which may be provided by said Board and the method of funding the cost of said coverage; and to further provide that the Board, upon certain findings, may develop a plan of self insurance.

Committee on Ways and Means.

By Rep. Clark (J):

H. 725. To amend Section 27-4-2, Code of Alabama 1975, which directs the Commissioner of Insurance to collect in advance certain fees, licenses and miscellaneous charges, by increasing said fees, licenses and miscellaneous charges, charging an application fee for resident and non-resident life and disability agents, establishing an Insurance Regulatory Trust Fund for the payment of the direct and indirect expenses of the Insurance Department, authorizing the investment of available monies of the Insurance Regulatory Trust Fund by the agency having the constitutional or statutory power to make investments and reinvestments for and in behalf of any state agency, requiring that all earnings derived from such investments be paid into the Insurance Regulatory Trust Fund, requiring that any cash balance in the Insurance Regulatory Revolving Trust Fund after the conclusion of the current fiscal year be carried forward in the same fund for the next succeeding fiscal year and each fiscal year thereafter, authorizing the state's chief fiscal officer to transfer monies from funds of the State Treasury to the Insurance Regulatory Revolving Trust Fund should that fund incur a deficiency, requiring that any monies so transferred be repaid before the conclusion of the fiscal year in which the transfer is made, and allowing the Insurance Department's expenses to be paid by appropriations

from the state general fund with repayment to the state general fund being made before the end of the next fiscal year.

Committee on Ways and Means.

By Reps. Perdue, Rogers, Davis, Horn, and McNair:

H. 726. To make certain legislative findings regarding the conduct of pari-mutuel wagering with respect to dog racing or horse racing; to provide that pari-mutuel wagering with respect to dog racing or horse racing may not be conducted in any municipality or unincorporated area within the State of Alabama unless approved at a referendum at which all of the qualified voters residing in the county or counties in which such municipality, or any part thereof, or such unincorporated area is located are permitted to cast votes; to specify the manner in which any such referendum is to be conducted; and to exempt certain established pari-mutuel wagering activities from the provisions of this Act.

Committee on Ways and Means.

By Rep. Clark (J):

H. 727. To provide for the payment of an expense allowance to members of the board of directors of any Waterworks or Sewer Board heretofore or hereafter organized pursuant to the statute now codified as Sections 11-50-230 to 241, Code of Alabama 1975.

Committee on Ways and Means.

By Rep. Payne:

H. 728. To amend Section 38-7-2, Code of Alabama 1975, relating to child care so as to redefine the term "day care home."

Committee on State Administration.

By Rep. Browder:

H. 729. To amend Sections 16-49-20, 16-49-26, 16-49-27, 16-50-20, 16-50-26, 16-50-27, 16-51-3, 16-51-4, 16-51-5, 16-52-3, 16-52-4, 16-52-5, 16-53-3, 16-53-4, 16-53-5, 16-54-2, 16-55-2, 16-55-6, 16-56-3, 16-56-4, and 16-56-5, Code of Alabama 1975, which provides for the membership, meetings and number necessary for a quorum of the boards of trustees of Alabama Agricultural and Mechanical University, Alabama State University, University of North Alabama, Jacksonville State University, Livingston University, University of Montevallo, University of South Alabama and Troy State University, so as to increase the membership of said boards, and increase the number of trustees necessary to call special meetings and for a quorum.

Committee on State Administration.

By Reps. Butler, Albright, Grayson, Brooks, and Hettinger (With Notice and Proof):

H. 730. Relating to Madison County; providing for a uniform and clothing allowance for deputies and other members of the Sheriff's force and repealing Act Number 920 of the 1973 Alabama Legislature.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 730, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Butler, Albright, Grayson, Brooks, and Hettinger (With Notice and Proof):

H. 731. Relating to Madison County; authorizing the Sheriff to charge a fee for fingerprinting certain persons and providing for the distribution and auditing of such fees and repealing Act Number 82-375 of the 1982 Alabama Legislature.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 731, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Butler, Albright, Grayson, Brooks, and Hettinger (With Notice and Proof):

H. 732. Relating to Madison County; authorizing the Sheriff to operate a Jail Store; exempting the gross proceeds of the sales of the Jail Store from sales tax; providing for the distribution and auditing of monies earned and repealing Act Number 82-376 of the 1982 Alabama Legislature.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 732, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. McKee, Hooper, Payne, Rice, Brooks, Beers, Gaston, White (G), and McMillan:

H. 733. To propose an amendment to the Constitution of Alabama that every member of the state legislature of Alabama may be recalled from office at any time by the electors entitled to vote for a successor of such incumbent through the procedure and in the manner herein provided for, which procedure shall be known as the recall.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

By Reps. Carothers, Mathis, and Grimsley (With Notice and Proof):

H. 734. Relating to Houston County; to establish a civil service system for Houston County; to provide a policy for the administration of this act; to divide positions in the county into classified and exempt services, and to provide for changes between such services; to provide a status for present employees; to provide personnel rules and personnel plans for Houston County; to provide that the first members of the personnel board shall be members of the existing personnel appeals board created pursuant to Act No. 2262, S. 1234, Regular Session 1971 (Acts 1971, p. 3643), and

continued under Act 1049, S. 886, 1973 Regular Session (Acts 1973, p. 1663), and to provide for their successors in office; to provide for the adoption, amendment and repeal of rules, regulations, determinations, job classification plans, pay plans, and mandatory and/or permissive retirement plans to effectuate the purposes of this act; to provide for the employment of persons with competitive examination; to provide for temporary appointments and the manner in which and the extent to which they shall be made permanent; to provide for the establishment of lists of persons eligible for employment and to establish the manner in which such lists shall be used; to establish a period of probation for certain county employees; to provide for rules governing working hours and leaves of absence; to provide for the laying off of employees; to establish the manner in which employees may be disciplined and to provide a procedure under which certain employees may protest such disciplinary action; to give the personnel board the authority to require the attendance of witnesses and the production of documents at such proceedings and to establish penalties for failure to attend or produce records as required to provide for an appeal from decisions of such board in such protests; to require such board to maintain certain records; to prohibit and fix the punishment for certain political activity by certain employees of the county; to provide for the expenses of such board; to guarantee certain rights to the governing body of Houston County; and to repeal Act No. 1049, S. 886, 1973 Regular Session (Acts 1973, p. 1663).

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 734, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Rice:

H. 735. To amend Sections 32-5A-191 and 32-5A-195, Code of Alabama 1975, relating to offenses and penalties for driving under the influence and suspension of drivers licenses, so as to provide that judges in DUI cases shall have discretionary authority to issue a restrictive drivers license for limited driving purposes to persons upon a first conviction of driving under the influence of alcohol or controlled substances and to persons arrested for driving under the influence of alcohol or controlled substances pending trial.

Committee on Judiciary.

By Rep. Rice:

H. 736. To provide minimum benefits for the diagnosis, treatment and rehabilitation of mental, emotional or nervous disorders, drug abuse or alcoholism to certain group health insurance policies, contracts and plans, which are delivered, issued for delivery, renewed or used in this state and to repeal certain conflicting laws regarding alcoholism treatment in group plans.

Committee on Insurance.

By Rep. Onderdonk (With Notice and Proof):

H. 737. Relating to Washington County; providing for an expense allowance, payable from the county general fund, for the Circuit Clerk of the county; specifically repealing Act No. 81-177, H. 618, Regular Session 1981 (Acts 1981, p. 202), and repealing conflicting laws, all relating to the com-

pensation of the Circuit Clerk of Washington County; providing that such expense allowance shall be calculated on a certain percentage of the state compensation for such official.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 737, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Hooper and Grouby:

H. 738. To re-open the Teachers' and Employees' Retirement Systems of Alabama for certain non-membership service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama.

Committee on Ways and Means.

By Reps. Rains, Cosby, Richardson, Coburn, Coleman, White (L), Reed, Lindsey, Flowers, Rice, Mathis, Dutton, Martin, Clark (J), and Hooper:

H. 739. To regulate the vending or selling of certain items within buildings or on property of the state, its agencies, institutions and political subdivisions, to authorize and provide for such vending or selling by blind persons; and to provide for the training and licensing of blind persons to engage in such vending or selling and for the financing of the selling and vending ventures of such blind persons in these public buildings and on this public property.

Committee on Ways and Means.

By Rep. Horn (With Notice and Proof):

H. 740. Relating to Jefferson County; providing for the reclassification of the rank of Probation Officer and for a uniform compensation schedule for all Probation Officers in the Family Court in said county; and providing for retroactive effect.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 740, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Horn (With Notice and Proof):

H. 741. Relating to Jefferson County; providing further for the cost and charges in all district court cases and providing for the establishment of a Family Court Probation Fund in the county and the distribution of such funds.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 741, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Lauderdale, Drake, Parker, Britnell, Coleman, Junkins, Blake, Box, Moore, Albright, Mitchell, Bowling, Starkey, Campbell, Melton, Poole, Smith, and Tanner:

H. 742. To exempt The King's Ranch in Shelby County, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Junkins, Bugg, Coleman, Newman, Nicholson, Lindsey, Rains, Harvey, Brakefield, Bowling, Moore, Tanner, Burke, Johnson (R.G.), Venable, Blake, Cosby, Preuitt, Browder, and Crow:

H. 743. To amend Sections 33-16-7, 33-16-9 and 33-16-11 of the Code of Alabama, 1975 to authorize the Coosa Valley Development Authority to undertake certain additional types of obligations, to modify certain restrictions pertaining to the contractual obligations of said authority, to provide that certain contracts between said authority and the United States shall not be subject to certain requirements generally applicable to contracts of said authority, and to clarify the respective responsibilities of said authority and the state docks department with respect to the provision and maintenance of river and canal terminals.

Committee on Ways and Means.

By Rep. Rice:

H. 744. Relating to the administrative operations and regulatory functions and procedures of the Alabama Public Service Commission, providing for a chief administrative officer for said commission; providing for transfer of the present functions of the commissioners' technical and executive staff to appropriate positions on the professional staff of the chief administrative officer effective upon expiration of terms of the current commissioners; providing for administrative law judges to be used at all hearings; providing certain staggered terms of office for the commissioners; providing that all fees collected by the commission shall be deposited in the general fund with the commission receiving an annual appropriation therefrom and providing for supplemental effect.

Ways and Means.

BILLS ON THIRD READING

And the bill:

H. 496. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Lawrence County and to provide for the use of such fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey

(John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Ford, Gaston, Gray, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (R.G.), Junkins, Kennedy, Laird, Lauderdale, McMillan, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Rains, Richardson, Sasser, Smith, Tanner, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—57

And the bill:

H. 531. Relating to Etowah County, requiring the county to continue paying health insurance premiums for a certain period of time for certain employees laid off due to insufficient funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Ford, Gaston, Gray, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (R.G.), Junkins, Kennedy, Laird, Lauderdale, McMillan, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Rains, Richardson, Sasser, Smith, Tanner, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—57

And the bill:

H. 569. (With Substitute): To authorize the Winston County Commission to provide protection against forest fires, insects and disease within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To levy a finance charge of ten cents per acre on forest lands located in Winston County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Winston County; to provide for a referendum on the question; and prescribing the procedure for the collection of such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) There is hereby levied and assessed a finance charge of ten cents per acre to be paid by the owners of forest lands located in Winston County, Alabama for the use of land for timber growing purposes.

(b) "Forest lands" as used in this Act, shall mean any land which sup-

ports a forest growth, or which under prevailing natural and economic conditions may be expected to support a growth in the future, or which is being used or reserved for any forest purpose. "Forest lands" as used in this Act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

Section 2. The finance charge fixed as provided in the above section shall be payable at the same time and in the same manner as County taxes, and the owners of the "Forest lands", as herein defined, shall make report of the same to the Tax Assessor of Winston County.

Section 3. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest protection program in Winston County.

Section 4. The county governing body of Winston County shall call for a referendum on the levy herein provided at the next special or general election in the county. Such referendum election shall be called and held in accordance with the laws governing such elections. If a majority of the qualified electors vote for approval of such levy, it shall be levied and collected as herein provided; if a majority of the qualified electors vote against such proposal then the provisions of this act shall become null and void.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

And the substitute was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Ford, Gaston, Gray, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (R.G.), Junkins, Kennedy, Laird, Lauderdale, McMillan, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Rains, Richardson, Sasser, Smith, Tanner, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—57

And the bill:

H. 569. To levy a finance charge of ten cents per acre on forest lands located in Winston County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Winston County; to provide for a referendum on the question; and prescribing the procedure for the collection of such assessments.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Ford, Gaston, Gray, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson

(R.G.), Junkins, Kennedy, Laird, Lauderdale, McMillan, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Rains, Richardson, Sasser, Smith, Tanner, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—57

And the bill:

H. 597. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Gulf Shores in Baldwin County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Ford, Gaston, Gray, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (R.G.), Junkins, Kennedy, Laird, Lauderdale, McMillan, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Rains, Richardson, Sasser, Smith, Tanner, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—57

And the bill:

H. 620. Relating to Etowah County; authorizing certain county health officers or administrators to issue official death certificates, levy and collect fees therefor; and providing for the distribution of such revenues for county health purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Ford, Gaston, Gray, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (R.G.), Junkins, Kennedy, Laird, Lauderdale, McMillan, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Rains, Richardson, Sasser, Smith, Tanner, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—57

And the bill:

H. 622. Relating to Etowah County; authorizing certain county officials to use mechanical or facsimile devices for signatures on warrants or checks drawn on the county treasury or depository.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Ford, Gaston, Gray, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (R.G.), Junkins, Kennedy, Laird, Lauderdale, McMillan, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Rains, Richardson, Sasser, Smith, Tanner, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—57

And the bill:

H. 643. Relating to St. Clair County; providing for the filing for record and the preservation of all orders and decrees made and entered by any judge of the circuit court in St. Clair County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Ford, Gaston, Gray, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (R.G.), Junkins, Kennedy, Laird, Lauderdale, McMillan, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Rains, Richardson, Sasser, Smith, Tanner, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—57

And the bill:

H. 288. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, including an extensive amendment by Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973 (Acts 1973, page 2124), which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last of any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which such city may be located," so as to provide that both officers participating in the System as well as all other Participants shall be eligible to receive a deferred retirement benefit and said deferred retirement benefit

shall vest in favor of the officer or Participant upon the completion of at least sixteen (16) years of Credited Service.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Ford, Gaston, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (R.G.), Junkins, Kennedy, Laird, Lauderdale, McMillan, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Rains, Richardson, Sasser, Smith, Tanner, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—56

And the bill:

S. 389. To propose an amendment to Amendment No. 432 of the Constitution of Alabama of 1901, relating to fire protection districts in Etowah County, so as to provide for the levy and collection of additional property tax for fire protection in such districts.

Was read a third time at length and passed.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McMillan, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuit, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—88

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Holmes to suspend the rules in order to take up out of order the bill, H. 271, was lost.

Yeas 37; Nays 58.

Yeas:

Reps.: Black, Bowling, Box, Bryant, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (W), Davis, Dutton, Escott, Goodwin, Grayson, Harper, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, McDowell, McNair, Marietta, Melton, Newman, Nicholson, Onderdonk, Perdue,

REGULAR SESSION
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Preuitt, Reed, Rogers, Sasser, Seibels, Spratt, Starkey, Thomas and White (L).

—37

Nays:

Mr. Speaker, Adams, Albright, Bachus, Blake, Blakeney, Brakefield, Britnell, Brooks, Browder, Burke, Butler, Carter, Clark (J), Coburn, Coleman, Cosby, Crow, Faulk, Flowers, Ford, Gaston, Gray, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Martin, Mikell, Mitchell, Moore, Parker, Payne, Penry, Poole, Pratt, Rains, Rice, Richardson, Smith, Tanner, Turner, Turnham, Venable, Warren, White (G) and Zoghby.

—58

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 407. To authorize the Clerk of the House and the Secretary of the Senate to employ certain legislative personnel.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—80

And the bill:

H. 226. To amend Section 29-4-44 Code of Alabama 1975, which provides for the employment of secretaries employed for the Presiding Officer of each house of the Legislature so as to further provide for additional secretaries.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 2.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John),

Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—80

Nays: Reps. Bachus and McKee.

—2

And the bill:

H. 558. To amend Section 2-3-20, Code of Alabama (1975); to provide for farmers' market facilities throughout this State for the efficient handling and sale of agricultural and agriculture related products; to create a certain farmers' market committee to advise on matters pertaining to such facilities; to prescribe the composition of such committee and the terms, duties, meetings, regulations and compensation of its membership; to prescribe punishment for violators of regulations adopted pursuant to this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 3.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—87

Nays: Reps. Gray, Hall and Starkey.

—3

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 558:

Mr. Speaker, Albright, Bachus, Beers, Black, Blake, Blakeney, Bowling, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hammett, Harvey, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

And the bill:

H. 554. To allow the Governor, the Director of Finance and the Commissioner of Agriculture and Industries to organize a public corporation for the purpose of issuing bonds or other debt securities to be used for constructing and maintaining an agricultural market facility and to renovate the existing Garrett Coliseum and other buildings on the Coliseum grounds; to provide procedures for the organization of said corporation; to set out powers of the corporation; to authorize the issuance of up to \$6,000,000 in securities, which shall be special obligations of the corporation, payable from specified sources and which shall not be obligations or debts of any kind of the State; to provide that not more than 60% of the proceeds of sale of such securities may be expended for the construction of an agricultural market facility and not more than 40% of such proceeds may be expended for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for methods of executing and selling such securities and for paying the principal of and any premium and interest on such securities; to provide that the monies realized from leases paid by the public for use of the market, after expenses incurred in operating the market are deducted, may be pledged and used to defray the cost of 60% of the securities; to provide that the monies obtained from the public for rents and other receipts realized from use of the Coliseum, after expenses incurred in operating the Coliseum are deducted, may be pledged and used to defray the cost of 40% of the securities; and to provide that, if all of the above funds are insufficient, then to pledge monies received from fees, licenses, permits, fines and penalties collected by the Department of Agriculture and Industries and paid into the agricultural fund, for the payment of the principal of and any premium and interest on the securities; to provide that any monies received from the sale of the securities shall only be used to construct, acquire and equip an agricultural market facility, and for renovation of the Coliseum and other buildings located on the Coliseum grounds; to provide that the State Board of Agriculture and Industries shall construct the market under the guidance of the State Building Commission; to provide that the Agricultural Center Board shall be responsible for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for the refunding of the securities and procedures for the deposit, investment and disposition of proceeds of sale of the securities; to provide for limitation of any action to contest the validity of the securities; to provide that the securities are legal investments and that the securities of the corporation and any premium and interest thereon, the property and income of the corporation, and any public filings by it are exempt from taxation; and to provide for dissolution of the corporation.

Was taken up.

AMENDMENT OFFERED

Rep. Smith offered the following amendment to the bill, H. 554:

Amend H. 554 page 4, line 25, after the word "bank" by inserting savings bank or savings and loan association

And on page 5, line 8, after the word "bank" by inserting savings bank or savings and loan association

And on page 5, line 9, after the word "Corporation" by inserting or the Federal Savings and Loan Insurance Corporation

And on page 19, line 29, after the word "banks" by inserting savings and loan associations

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—82

CO-SPONSOR ADDED

Rep. Grouby was added as co-sponsor to the bill, H. 554.

And the bill, H. 554, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—88

And the bill:

H. 250. To amend Section 40-9-13 of the Code of Alabama 1975, relating to exemptions from taxation, so as to exempt, among others, the Annual Shrine Circus as well as all other charitable Shrine amusement and fund raising events from all license fees and charges including any privilege and excise tax levied by the state or any county or municipality; and to provide that such charitable Shrine amusement and fund raising events shall be subject to all the provisions of Section 40-9-12 of the Code of Alabama 1975.

Was taken up.

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 250:

Amend H. B. 250, Section 1, page 2, line 18 after the word and period "thereof." by inserting the following:

The above mentioned exemptions shall be retroactive for Shrine amusement and fundraising events.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Harvey, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McDowell, McMillan, Marietta, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Richardson, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren, White (L) and Zoghby.

—70

And the bill, H. 250, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Seibels, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—82

And the bill:

H. 93. (With Substitute): To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Banking, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5-18-11 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 5-18-11. (a) Books and records. — Each licensee shall keep and use in his business such books, accounts and records as will enable the supervisor to determine whether such licensee is complying with the provisions of this chapter and with the orders and regulations lawfully made by the supervisor hereunder. Each licensee shall preserve such books, accounts and records for at least two years after making the final entry on any loan recorded therein.

"(b) Annual Report.

"(1) Each licensee shall annually, on or before May 1, file a report with the supervisor as to each licensed place of business under this chapter, covering the preceding calendar year. This report shall include the following information, all reported in accordance with sound and generally accepted accounting practice.

"a. Balance sheets at the beginning and end of the period,

"b. A statement of income and expenses for the period,

"c. A reconciliation of surplus or net earnings with the balance sheets,

"d. A schedule of assets used and useful in the business,

"e. An analysis of charges, sizes of loans and types of security on loans and an analysis of delinquent accounts,

"f. An analysis of suits, repossessions and sales of chattels, and

"g. The type of business organization and, if the licensee is a corporation, the principal officers and the resident agent, the partners if the licensee is a partnership or the owner if a sole proprietorship,

"(2) If the licensee conducts other businesses or is affiliated with other licensees under this chapter, or if any other situation exists under which allocations are necessary, the licensee shall make such allocation according to appropriate and reasonable methods.

"(3) If the licensee is affiliated with other licensees under this chapter, a composite report may be filed on behalf of all affiliated licensees within the state of Alabama, but such composite report shall not be required by the supervisor.

"(4) (2) Such report shall be made under oath and shall be in the form prescribed by the supervisor who shall make and publish annually an analysis and recapitulation of such reports."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Escott, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Harvey, Holmes, Hooper, Horn, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—73

And the bill, H. 93, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Bachus, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—82

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Seibels, the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced:

By Reps.: Seibels, Adams, Albright, Bachus, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr,

Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

H. J. R. 214. MOURNING THE DEATH OF MRS. ALYNE LEWIS BIDDLE OF GARDENDALE, ALABAMA.

WHEREAS, it is with deep regret and in personal sorrow that the Alabama Legislature notes the death of Mrs. Alyne Lewis Biddle of Gardendale, Alabama, on April 4, 1984, at the age of 80 years; and

WHEREAS, Mrs. Biddle, though formerly of Laguna Beach, Florida, was a longtime resident of the Birmingham area, and in addition to her husband, Mr. Jack Biddle, Junior, she is survived by a son, our friend Representative Jack Biddle; a daughter, Mrs. Jacqueline B. Porter; four grandchildren and two great grandchildren; and by a sister and two brothers; and

WHEREAS, among other community affiliations and involvements, Mrs. Biddle was an active and faithful member of Gardendale's Mount Vernon Methodist Church; and

WHEREAS, Mrs. Biddle's death has indeed left a deep void in the lives and hearts of her beloved family, whose sorrow we truly share and to whom we extend heartfelt sympathy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Alyne Lewis Biddle, giving thanks for her life and for the joy and happiness she gave in such full measure.

BE IT FURTHER RESOLVED, That Mrs. Biddle's family receive copies of this resolution expressing our concern in their great and grievous loss.

On motion of Rep. Seibels, the rules were suspended and the resolution, H. J. R. 214, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 379. To require city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide vehicle liability insurance to cover personal liabilities of moving vehicle accidents for bus drivers or any employee required to transport pupils.

Was taken up.

AMENDMENT OFFERED

Rep. Coleman offered the following amendment to the bill, H. 379:

Amend H. 379 by inserting a new Section 2 as follows, and by renumbering all subsequent sections:

Section 2. School boards and other agencies covered by this act shall be deemed to be in compliance with the requirements of this Act by either purchasing a liability insurance policy naming drivers as insureds, or if the employing board elects not to purchase a policy, by reimbursing individual employees for amounts necessary to add "drive other car broad form liability" riders to their individual vehicle liability insurance policies, to the limits specified by the employing board or agency.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren, White (L) and Zoghby.

—77

And the bill, H. 379, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren, White (L) and Zoghby.

—84

And the bill:

H. 625. To create the Alabama Indian Affairs Commission; to provide for its duties and membership; to provide the method of appointment and compensation of said members; and to repeal Sections 41-9-700 through 41-9-707, Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 3.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Bowling, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton,

Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—83

Nays: Reps.: Brooks, McKee and Mikell.

—3

CO-SPONSORS ADDED

Reps. Perdue and Nicholson were added as co-sponsors to the bill, H. 625.

And the bill:

H. 410. To amend Section 8-8-5, Code of Alabama 1975, relating to loans or credit sales to which usury laws do not apply so as to reduce the minimum interest rate exemption from the usury laws; and to repeal subsection (f) which provides that the section as it affects loans of \$25,000.00 or less shall become null and void on July 1, 1987.

Was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the bill, H. 410:

A BILL TO BE ENTITLED AN ACT

To amend Section 8-8-5, Code of Alabama 1975, relating to loans or credit sales to which usury laws do not apply, so as to reduce the amount on which interest may be negotiated notwithstanding any other law to the contrary.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8-8-5, Code of Alabama 1975, is hereby amended to read as follows:

“§ 8-8-5.

“(a) Any person or persons, corporations, trust, general partnership or partnerships, limited partnership or partnerships, or association may agree to pay such rate or rates of interest for the loan or forbearance of money and for any credit sales as such person, corporation, trust, general partnership, limited partnership or association may determine, notwithstanding any law of this state otherwise prescribing or limiting such rate or rates of interest; provided, that the original principal balance of the loan or forbearance of money or credit sales is not less than \$5,000.00 ~~\$2,000.00~~; provided further, that all laws relating to unconscionability in consumer transactions including but not limited to the provisions of chapter 19 of Title 5, known as the Mini-Code, shall apply to transactions covered by this section.

“(b) As to any such loan or forbearance of money or credit sales made in compliance with subsection (a) of this section, neither such person, corporation, trust, general partnership, limited partnership or association, nor their heirs, successors or assigns, nor any surety, guarantor, endorser or any other person, firm, partnership, association, trust or corporation which may become liable, in whole or in part, for the payment of the debt and interest agreed to be paid thereon in accordance with the term hereof, or any exten-

sion, amendment or renewal thereof, may raise or claim the defense or benefit of the usury laws or any other law prescribing, regulating or limiting such rate or rates of interest.

“(c) The term ‘original principal balance,’ as used herein, shall include the total principal amount of indebtedness incurred or contracted for in a loan, forbearance of money, credit sales or in a single issue or sale of bonds, debentures, promissory notes or like transaction, without regard either to the face amount or denomination of any bond, debenture, note or other evidence of indebtedness constituting a part of such issue or sale, or to the amount of the initial or any subsequent advance pursuant to such loan, forbearance or credit sales. The term ‘interest’ as used herein shall include all direct or indirect charges imposed as an incident to a loan, forbearance of money or credit sales.

“(d) This section shall apply to any person or entity, whether or not organized for profit, and to transactions both prior to and after default, but shall not apply to any agreement involving the loan or forbearance of money or credit sales where the original principal balance is less than \$5,000.00 \$2,000.00.

“(e) The provisions of this section are cumulative to, and not in derogation of, rights under other provisions of state or federal law and shall not in any way repeal, amend or modify the provisions of Public Law 96-221 enacted by the Congress of the United States and approved March 31, 1980, as amended.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 76; Nays 7.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, White (L) and Zoghby.

—76

Nays:

Reps.: Brakefield, Buskey (James), Grouby, McKee, Payne, Rains and Warren.

—7

And the bill:

H. 410. To amend Section 8-8-5, Code of Alabama 1975, relating to loans or credit sales to which usury laws do not apply, so as to reduce the

amount on which interest may be negotiated notwithstanding any other law to the contrary.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 70; Nays 9.

Yeas:

Mr. Speaker, Albright, Black, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Pratt, Reed, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, White (L) and Zoghby.

—70

Nays:

Reps.: Bachus, Buskey (James), Grouby, McKee, Payne, Rains, Smith, Warren and White (G).

—9

PERMISSION GRANTED

Permission was granted for the Journal to show Reps. McMillan and Holley abstained from voting on the bill, H. 410, due to a possible conflict of interest.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 213. CLARIFYING AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO HOUSE BILL NO. 13 TO PERMIT HORSE RACING IN ANY CLASS 1 MUNICIPALITY.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 359. To amend Sections 27-43-3, 27-43-6, and 27-43-15, Code of Alabama 1975, relating to legal expense insurance, so as to permit certain persons conducting life, accident and sickness insurance business to transact legal insurance business.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Bachus, Blake, Blakeney, Bowling, Box, Brakefield, Britnell,

Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—81

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Adams abstained from voting on the bill, H. 359, due to conflict of interest.

And the bill:

H. 588. To amend Section 37-3-4 of the Code of Alabama 1975, relating to motor vehicle carriers as to exempt motor vehicle carriers transporting coke from regulation by the public service commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—88

And the bill:

H. 578. To exempt George Lindsey Celebrity Benefit, Inc., and the Alabama Special Olympics or any predecessor organizations or entities, from the payment of all state, county and municipal sales and use taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston,

Goodwin, Gray, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, Martin, Mathis, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—84

CO-SPONSOR ADDED

Rep. Smith was added as co-sponsor to the bill, H. 578.

And the bill:

H. 142. To provide for payment of examination fees by credit unions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Pratt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—82

Nay: Rep. Harper.

—1

REPORT OF THE STANDING COMMITTEE ON
RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to wit:

H. 569. To levy a finance charge of ten cents per acre on forest lands located in Winston County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Winston County; to provide for a referendum on the question; and prescribing the procedure for the collection of such assessments.

JIMMY CLARK,
Chairman.

And the bill, H. 569 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 456. This bill amends Section 34-30-22, Code of Alabama 1975, which provides for the qualifications of applicants for licensed social workers, so as to provide further for said qualifications.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Pratt, Preuit, Reed, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—83

Nays: Rep. Johnson, Roy.

—1

And the bill:

H. 125. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the liquefied petroleum gas board and appointees and employees thereof; to amend Sections 9-17-100, 9-17-102, 9-17-103, 9-17-104, 9-17-105, 9-17-106, and 9-17-109 of the Code of Alabama 1975; and to provide penalties for violations.

Was taken up.

AMENDMENT OFFERED

Rep. Grouby offered the following amendment to the bill, H. 125:

Amend H. 125, page 3, line 27, after the word "may" by striking at-any-time-

And on page 4, line 38, after the word "violators" by striking with-or-without-a-warrant

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carothers, Carter, Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird,

Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (G), White (L), and Zoghby.

—86

H. 125 TEMPORARILY POSTPONED

On motion of Rep. Grouby, the bill, H. 125 as amended, was temporarily postponed.

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Starr would have voted "Yea" on the bills, H. 554 and H. 558, had he been in the Chamber at the time of voting.

And the bill:

H. 485. To amend further Section 40-25-23, Code of Alabama 1975, as last amended by Act No. 83-922, S. 10, 1983 Fourth Special Session, approved December 21, 1983, relating to a reallocation of a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and the appropriation of so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount, so as to specifically cite the act authorizing the issuance of such additional bonds of the State Industrial Development Authority; and to make this amendment retroactive to December 21, 1983.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Reps.: Albright, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Clark (D), Clark (J), Coburn, Cosby, Crow, Dutton, Escott, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harvey, Hettinger, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Jenkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McMillan, Martin, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Reed, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (G), White (L), and Zoghby.

—75

And the bill:

H. 615. (With Amendment): To Amend § 40-25-2, Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; to amend Section 40-25-23 to provide for disposition of the proceeds of the tobacco tax; to enact Section 40-25-29, Code of Alabama, 1975; to ensure consistency in the manner of taxing cigarettes within the State of Alabama; and to repeal Sections 40-25-60, 40-25-61 and 40-25-62, Code of Alabama, 1975.

Was taken up.

SUBSTITUTE OFFERED

Rep. Clark (J) offered the following substitute to the bill, H. 615, and to the pending amendment reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To amend § 40-25-2, Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; to amend Section 40-25-23 to provide for disposition of the proceeds of the tobacco tax; to provide for consistency in the manner of taxing cigarettes within the State of Alabama; and to repeal Sections 40-25-60, 40-25-61 and 40-25-62, Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-25-2, Code of Alabama, 1975, is hereby amended to read as follows:

“§ 40-25-2.

(a) In addition to all other taxes of every kind now imposed by law, every person, firm, corporation, club or association, within the State of Alabama, who sells or stores or receives for the purpose of distribution to any person, firm, corporation, club or association within the State of Alabama, cigars, cheroots, stogies, cigarettes, smoking tobacco, chewing tobacco, snuff, or any substitute therefor, either or all, shall pay to the State of Alabama for state purposes only a license or privilege tax which shall be measured by and graduated in accordance with the volume of sales of such person, firm, corporation, club or association in Alabama. There is hereby levied license or privilege taxes on articles containing tobacco enumerated in this article in the following amounts:

(1) LITTLE CIGARS—Upon all cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per 1,000, \$.02 for each 10 cigars, or fractional part thereof.

(2) CHERROOTS, STOGIES, CIGARS, ETC.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for three and one-third cents each or less, \$1.50 per 1,000.

(3) CIGARS—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than three and one-third cents each and not more than \$.05 each, \$3.00 per 1,000.00

(4) CIGARS—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than \$.05 each and not exceeding \$.08 each, \$4.50 per 1,000.

(5) CIGARS—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than \$.08 each and not exceeding \$.10 each, \$7.50 per 1,000.

(6) CIGARS—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than \$.10 and not exceeding \$.10 each, \$15.00 per 1,000.

(7) CIGARS—Upon cigars of all descriptions made of tobacco, or any substitute therefore, retailing for more than \$.20 each, \$20.25 per 1,000.

(8) CIGARETTES—Upon all cigarettes made of tobacco, or any substitute therefor, ~~three and two-fifths inches long or less and weighing not more than three pounds per 1,000~~ six 8.25 mills on each such cigarette.

(9) CIGARETTES—Upon all cigarettes made of tobacco, or any substitute therefor, ~~over three and two-fifths inches long and less than five and one-half inches long, weighing not more than six pounds per 1,000, 12 mills on each such cigarette.~~

(10) CIGARETTES—Upon all cigarettes made of tobacco, or any substitute therefor, ~~five and one-half inches long or longer, one and one-third cents on each such cigarette.~~

(11) (9) SMOKING TOBACCO—Upon all smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed and other kinds and forms of tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette upon each package: weighing not more than one and one-eighth ounces, tax \$.02; over one and one-eighth ounces, not exceeding two ounces, tax \$.05; over two ounces, not exceeding three ounces, tax \$.08; over three ounces, not exceeding four ounces, tax \$.11; \$.03 additional tax for each ounce or fractional part thereof over four ounces.

(12) (10) CHEWING TOBACCO—Upon all chewing tobacco prepared in such manner as to be suitable for chewing only and not suitable for smoking as described and taxed in subdivision (11)-(9) of this subsection; three-fourths cents per ounce or fractional part thereof.

(13) (11) SNUFF—Upon each can or package of snuff weighing not more than five-eighths ounce, one-half cent tax; over five-eighths ounces and not exceeding one and five-eighths ounces, \$.01 tax; over one and five-eighths ounces and not exceeding two and one-half ounces, \$.02 tax; over two and one-half ounces and not exceeding five ounces (cans, packages, gullets), \$.03 tax; over three ounces and not exceeding five ounces (glasses, tumblers, bottles), three and one-half cents tax; over five ounces and not exceeding six ounces, \$.04 tax; weighing over six ounces, an additional \$.06 for each ounce or fractional part thereof.

(b) Whenever in this article reference is made to any manufactured tobacco products, manufactured or imported to sell at a certain price, as the basis for computing the tax, it is intended to mean the ordinary, customary or usual price paid by the consumer for such tobacco products taxable under this article.

(c) Whenever in this article reference is made to any manufactured tobacco products on which the tax is based on weight, the weight as shown by the manufacturer or the federal internal revenue stamp shall apply.

(d) When the retail or selling price is referred to in this article as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the articles before adding the amount of the tax.

(e) When any articles or commodities subject to tax in this article are given as prizes on punch boards, shooting galleries, premiums, etc., the tax shall be based on the ordinary retail selling price of such articles.

(f) The tax herein levied shall be paid to the state through the use of stamps as herein provided. However, every wholesaler, distributor, jobber or

retail dealer shall add the amount of the tax levied herein to the price of the tobacco or tobacco products sold, it being the purpose and intent of this provision that the tax levied is in fact a levy on the ultimate consumer or user with the wholesaler, distributor, jobber or retail dealer acting merely as an agent of the state for the collection and payment of the tax to the state. Therefore, notwithstanding any exemptions from taxes which any such seller may now or hereafter enjoy under the Constitution or laws of this or any other state, or of the United States, he shall collect the tax imposed hereunder from the purchaser or consumer, and the amount of the tax shall constitute a debt from the purchaser or consumer to the seller until paid. It shall be unlawful for any person, firm, corporation, association or copartnership to fail or refuse to add to the sales price and collect from the purchaser the amount of the tax to be added to the sales price and collected from the purchaser hereunder. Stamps in denominations to the amount of the tax or in denominations specified pursuant to subsection (g) of this section shall be affixed to the box or other container from or in which tobacco products taxed by this section are normally sold at retail. The stamps shall be affixed in such a manner that their removal will require continued application of water or steam; and in case of cigars, cheroots, chewing tobacco and like manufactured tobacco products, where sales are made from the original container, the stamps shall be affixed to the box or container in such a way that the stamps shall be torn in two or mutilated when such containers or boxes are opened for the sale of the tobacco products. In the case of cigarettes, smoking tobacco, snuff and like products sold at retail in packages, the required amount of stamps to cover the tax shall be affixed to each individual package or container. All taxable tobaccos herein enumerated, when offered for sale, either at wholesale or retail, without having stamps affixed in the manner set out by this article, shall be subject of confiscation, in the manner provided for contraband goods as set out in this article.

~~(g) The description of tobacco products contained in subdivisions (8) through (10) of subsection (a) of this section are hereby declared to be standard as to dimensions and weights, when shown, for taxing purposes as provided in this chapter. Where cigarettes as described in subsection (8) of subsection (a) are packed in varying quantities of less than 20 cigarettes, the following rates shall govern: Packages containing 10 cigarettes or less shall require a \$.06 stamp, packages containing more than 10 cigarettes and not to exceed 20 cigarettes, shall require a \$.12 stamp. Where cigarettes described in subdivision (9) of subsection (a) are packed in varying quantities of less than 20 cigarettes, the following rates shall govern: Packages containing 10 cigarettes or less shall require a \$.12 stamp; packages containing more than 10 cigarettes and not to exceed 20 cigarettes shall require a \$.24 stamp. Cigarettes described in subdivision (10) of subsection (a), regardless of packaging, shall require a tax of one and one-third cents per cigarette.~~

(g) The Commissioner of Revenue shall prepare and issue stamps in denominations for the amount of the tax imposed by this article, provided that if the Commissioner determines that it is not economical for the state to have a stamp prepared and issued for one or more particular types of packages of tobacco products, then he may by regulation prescribe the use of a stamp in a denomination other than for the amount of the tax imposed with the difference between the amount of tax actually imposed and the amount of tax denominated by the stamp paid with the use of a monthly report; or he may require a monthly report without use of a stamp to report the amount of taxes due."

Section 2. Section 40-25-23, Code of Alabama, 1975, is hereby amended to read as follows:

“§ 40-25-23: Disposition of Proceeds.

All revenues collected under the provisions of this article, except as otherwise provided, shall be paid to the department of revenue by check or draft made payable to the treasurer of Alabama, and shall be distributed in the following manner:

(1) All of the revenue derived from the tax levied upon cigarettes by sections 40-25-2 and 40-25-41 shall be deposited in the state treasury and shall be divided as follows:

a. ~~One twelfth~~ Six and 6/100th percent (6.06%) to the credit of the state public welfare trust fund, which is hereby appropriated for general welfare purposes. In this section, “general welfare purposes” means:

1. The administration of public assistance as set out in sections 38-2-5 and 38-4-1;

2. Services, including supplementation and supplementary services under the Federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under section 38-4-1;

3. Services to and on behalf of dependant, neglected or delinquent children; and

xxx 4. Investigative and referral services to and on behalf of needy persons.

b. ~~One twelfth~~ Nine and 9/100th percent (9.09%) shall be set apart and used for the following purposes only and in the following order:

1. So much thereof as may be necessary for such purpose is hereby appropriated and shall be used by the state treasurer to pay at their respective maturities the principal and interest that will mature during the then current fiscal year on all bonds at the time outstanding that may have been issued by the state industrial development authority under the provisions of the following acts:

i. ~~Sections 41-10-20 through 41-10-32,~~

ii. i. Acts 1967, No. 231;

iii. ii. Acts 1969 1971, No. 168 1420;

iv. iii. Acts 1973, No. 1039;

v. iv. Acts 1975, No. 1217;

vi. v. Acts 1978, 2nd Ex. Sess., No. 99; and

vii. vi. Acts 1981, No. 81-843; and

vii. Acts 1983, No. 83-925.

2. The balance thereafter remaining during each fiscal year shall be paid into a special fund in the state treasury to be designated the “general and mental health fund,” and is hereby appropriated and shall be distributed as follows:

i. ~~Sixty Thirty-six~~ percent of said balance shall be expended by the state health officer, with the approval of the state board of health, for salaries, other expenses and equipment purchases, incident to general health work;

ii. ~~Thirty Fifty-eight~~ percent of the said balance shall be paid to the

Alabama mental health board to be expended by the said board for such purposes as it may designate for the provision of mental health services; and

iii. ~~Ten Six~~ percent of said balance shall be paid to the Alabama mental health board to be expended by said board for such purposes as it may designate for the provision of services to the mentally retarded.

(c) ~~Two-twelfths~~ Twelve and 12/100th percent (12.12%) shall be set apart and used for the following purposes only and in the following order:

1. So much thereof as may be necessary for such purpose is hereby appropriated to the purpose of acquiring and constructing mental health facilities in the state, and to that end shall be used by the state treasurer to pay, at their respective maturities, the principal and interest that will mature during the then current fiscal year on whichever of the following may be issued:

i. Any bonds that may be issued by the Alabama mental health building authority under the provisions of law pursuant to which the said authority may be organized; or

ii. Any bonds of the state that may be issued for acquisition and construction of mental health facilities under amendment 266 of the Constitution of Alabama.

2. The balance thereafter remaining during each fiscal year shall be paid into a special fund in the state treasury, designated the "general and mental health fund," and is hereby appropriated and shall be distributed as follows:

i. Thirty percent of said balance shall be expended by the state health officer, with the approval of the state board of health, for salaries, other expenses and equipment purchases incident to general health work; and

ii. Seventy percent of the said balance shall be paid the Alabama mental health board created in sections 22-50-4 through 22-50-14, and shall be used by the said board for mental health purposes in the state.

d. ~~one-twelfth~~ Six and 6/100th percent (6.06%) shall be set apart and used for the following purposes only and in the following order:

1. So much thereof as may be necessary for such purposes is hereby appropriated and shall be used by the state treasurer to pay, at their respective maturities, the principal and interest that will mature during the then current fiscal year on all bonds that may be issued by the state parks development authority under the provisions of Acts 1967, No. 272, which provided for the creation of said authority and also provided for the submission of a constitutional amendment to authorize the issuance of general obligation bonds by said authority.

2. The balance thereafter remaining during each fiscal year shall be deposited into a special fund in the state treasury to be designated the "state parks fund" and is hereby appropriated and shall be distributed as follows: Said fund may be expended by the state director of conservation at his discretion and with the approval of the governor for salaries, other expenses, land acquisitions, equipment purchases, capital additions or improvements or other lawful expenses relating to the state division of parks, monuments and historical sites.

e. ~~Two-twelfths~~ Thirty-six and 37/100th percent (36.37%) to the credit of the general fund.

f. The balance-Thirty and 30/100th percent (30.30%) to the credit of the Alabama special education trust fund.

(2) All of the revenue derived from the tax levied by section 40-25-2 and section 40-25-41 upon tobacco products other than cigarettes shall be deposited in the state treasury to the credit of the Alabama special education trust fund."

Section 3. Any excise, license, privilege, or other tax levied on the sale of cigarettes by any county or municipal government within the State of Alabama shall be levied on the basis of a millage rate per cigarette, in a manner similar to the method of specifying the tax levied on cigarettes by section 40-25-2(a)(8), except where such taxing authority has levied a per package tax on cigarettes without any distinction as to the amount of cigarettes per package. This provision does not specify or limit the rate or amount of tax which may be levied on cigarettes by such county or municipal government. This provision is not to be construed as limiting or extending the taxing authority of any county or municipal government but rather this section specifies the manner in which such taxing authority may be exercised by the county or municipal government for the protection of the tax revenues accruing to the state and said county or municipal government, and for the protection of the public welfare, health, peace and morals of the people of this state.

Section 4. The provisions of this act shall satisfy in full the contingency set out in Section 4 of Act No. 83-925, 4th Executive Session, 1983, with respect to issuance of certain additional bonds by the State Industrial Development Authority.

Section 5. Sections 40-25-60, 40-25-61 and 40-25-62, Code of Alabama, 1975, are hereby repealed.

Section 6. The provisions of this Act of severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This act shall become effective upon the first day of the second month following the month of passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 69; Nays 4.

Yeas:

Reps.: Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Grayson, Hall, Hettinger, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Star, Tanner, Thomas, Trammell, Venable, Warren, White (L), and Zoghby.

Nays: Reps.: Beers, Perdue, Turner and White (G).

—4

PERMISSION GRANTED

Permission was granted for the Journal to record that Rep. Turner intended to vote "Yea" on the substitute offered by Rep. Clark (J) to the bill, H. 615.

And the bill:

H. 615. To amend § 40-25-2, Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; to amend Section 40-25-23 to provide for disposition of the proceeds of the tobacco tax; to provide for consistency in the manner of taxing cigarettes within the State of Alabama; and to repeal Sections 40-25-60, 40-25-61 and 40-25-62, Code of Alabama 1975.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 56; Nays 20.

Yeas:

Reps.: Adams, Albright, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Escott, Faulk, Flowers, Fuller, Grayson, Hall, Hettinger, Holmes, Horn, Johnson (R.G.), Junkins, Kennedy, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Mitchell, Moore Newman, Onderdonk, Penry, Pratt, Reed, Richardson, Rogers, Sasser, Starr, Thomas, Trammell, Venable, White (L). and Zoghby.

—56

Nays:

Reps.: Beers, Brooks, Buskey (James), Cosby, Dutton, Gaston, Goodwin, Hammett, Hooper, Kvalheim, Laird, McDowell, McNair, Nicholson, Payne, Rains, Seibels, Starkey, Turner and White (G).

—20

CO-SPONSORS ADDED

Reps.: Gaston, Hooper, Kvalheim and McKee were added as co-sponsors to the bill, H. 140.

And the bill:

H. 140. To amend Section 40-18-20, Code of Alabama 1975 so as to provide that the retirement income of military personnel shall be exempt from state, county, and municipal income taxes.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Carothers, the motion offered by Rep. Coburn to postpone consideration of the bill, H. 140, to the twenty-first legislative day, was tabled.

Yeas 44; Nays 38.

Yeas:

Reps.: Box, Brooks, Browder, Butler, Campbell, Carothers, Carter, Clark (D), Crow, Escott, Faulk, Ford, Gaston, Gray, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, McKee, McMillan, Melton, Mitchell, Nicholson, Onderdonk, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Sasser, Seibels, Smith, Starkey, Starr, Turner, Venable, Warren and White (L).

—44

Nays:

Mr. Speaker, Black, Blake, Boles, Bowling, Brakefield, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Clark (J), Clark (W), Coburn, Coleman, Cosby, Davis, Fuller, Goodwin, Grayson, Harper, Harvey, Holmes, Junkins, Kennedy, Lauderdale, Lindsey, McNair, Martin, Mathis, Moore, Newman, Parker, Perdue, Richardson, Thomas, Trammell and White (G).

—38

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Blakeney abstained from voting on the bill, H. 140, due to possible conflict of interest.

H. 140 TEMPORARILY POSTPONED

On motion of Rep. Holley, the bill, H. 140, was temporarily postponed.

And the bill:

H. 266. To amend Section 1-3-8 of the Code of Alabama 1975, relating to observance of state holidays, so as to provide further for such holidays.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blakeney, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McMillan, McNair, Martin, Melton, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Reed, Rice, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Venable, Warren, White (G), White (L), and Zoghby.

—75

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 266:

Reps.: Beers, Black, Brooks, Bryant, Clark (W), Davis, Dutton, Escott, Grayson, Harper, Holley, Horn, Johnson (Roy), Kennedy, McDowell, McNair, Melton, Onderdonk, Perdue, Preuitt, Reed, Rogers, Spratt, Thomas, Turner and White (G).

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 213. Clarifying and expressing legislative intent with regard to House Bill 13 to permit horse racing in any Class 1 municipality.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 125 AGAIN TAKEN UP

And the bill, H. 125 as previously amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 4.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Davis, Dutton, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Lauderdale, McKee, McMillan, Martin, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (G), and Zoghby.

—74

Nays: Reps.: Brooks, McDowell, Onderdonk and Rains.

—4

And the bill:

H. 58. To provide for charges that may be made for bad checks given in payment to lenders of money or extenders of credit; to provide that such charges shall not be deemed interest, finance or other charges that are limited or restricted by law; to provide that this act shall be included in the Code of Alabama 1975 as Section 8-8-15 of said code.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield,

Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Grayson, Hall, Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, Marietta, Martin, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L), and Zoghby.

—80

Nay: Rep. McNair.

—1

And the bill:

H. 471. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grayson, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Martin, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Thomas, Trammell, Turner, Venable, Warren, White (G), and Zoghby.

—80

MOTION TO ADJOURN LOST

The motion offered by Rep. Holley that the House adjourn until 2:00 o'clock p.m., Tuesday, April 10, 1984, was lost.

Yeas 38; Nays 53.

Yeas:

Reps.: Adams, Boles, Brakefield, Britnell, Burke, Buskey (James), Buskey (John), Carter, Clark (D), Coburn, Crow, Dutton, Escott, Flowers, Ford, Gaston, Goodwin, Grouby, Hammett, Holley, Holmes, Johnson (R.G.),

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Laird, Martin, Melton, Mikell, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Thomas, Trammell, Turnham, Venable, Warren and White (F).

—38

Nays:

Mr. Speaker, Black, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Bugg, Butler, Campbell, Carothers, Clark (J), Clark (W), Davis, Faulk, Fuller, Gray, Hall, Harper, Hettinger, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Pratt, Rogers, Smith, Starkey, Tanner, Turner, White (G), White (L), and Zoghby.

—53

H. 96 TEMPORARILY POSTPONED

On motion of Rep. Campbell, the bill, H. 96, was temporarily postponed.

Yeas 61; Nays 24.

Yeas:

Mr. Speaker, Beers, Blake, Blakeney, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Harper, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, McMillan, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, White (L) and Zoghby.

—61

Nays:

Reps.: Bachus, Box, Bugg, Buskey (James), Buskey (John), Butler, Carter, Cosby, Dutton, Hettinger, Holley, Johnson (R.G.), McKee, McNair, Martin, Melton, Parker, Rains, Rice, Sasser, Trammell, Venable, Warren and White(G).

—24

And the bill:

H. 483. (With Amendment): To amend Section 40-23-4 of the Code of Alabama 1974, as heretofore amended, which provides for certain exemptions from sales taxes, so as to exempt from sales taxation the gross proceeds from sales of admissions to certain national championship sporting events that are held in the State of Alabama and hosted by not for profit corporations organized and existing under the laws of the State of Alabama.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 483 on page 9, lines 8 and 10, after the semi-colon “;” by adding the word:

and

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Poole, Pratt, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (G), and Zoghby.

—77

And the bill, H. 483, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Martin, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (G), White (L), and Zoghby.

—84

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 483:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Bugg, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Crow, Davis, Dutton, Faulk, Ford, Gaston, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, Martin, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Poole, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Warren, White (G), and Zoghby.

And the bill:

H. 413. To be known as the "Aged Health Care Recipient Ombudsman Act"; to provide general definitions; to authorize the State Long-Term Care Ombudsman and the Alabama Commission on Aging to investigate complaints concerning health care facilities and to certify community ombudsmen; to provide for the selection, training, and duties of

community ombudsmen; to establish procedures for receiving, investigating, and resolving complaints; and to provide an effective date.

Was taken up.

SUBSTITUTE OFFERED

Rep. Carothers offered the following substitute to the bill, H. 413:

A BILL
TO BE ENTITLED
AN ACT

To be known as the "Long-term Care Recipient Ombudsman Act"; to provide general definitions; to authorize the State Long-Term Care Ombudsman and the Alabama Commission on Aging to investigate complaints concerning health care facilities and to certify community ombudsmen; to provide for the selection, training, and duties of community ombudsmen; to establish procedures for receiving, investigating, and resolving complaints; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Short title.

This Act shall be known and may be cited as the Long-term Care Recipient Ombudsman Act.

Section 2. Definitions.

For the purposes of this Act, the following words shall have the meanings ascribed to them by this section:

ADMINISTRATOR. Any person charged with the general administration or supervision of a long-term care facility without regard to whether such person has an ownership interest in such facility or to whether such person's functions and duties are shared with one or more other persons.

COMMISSION. The Alabama Commission on Aging.

COMMUNITY OMBUDSMAN. A person selected by an Area Agency on Aging who is then trained and certified as such by the Commission pursuant to Section 4 of this Act.

LONG-TERM CARE. Prolonged care of patients in licensed institutions and or organized departments within a licensed institution where the average length of patient stay is thirty (30) days or longer.

LONG-TERM CARE FACILITY. Any skilled nursing home, extended care home, intermediate care home, or boarding home, now or hereafter subject or regulation or licensure by the Bureau of Licensure and Certification of the State Department of Health or a County Department of Health.

OMBUDSMAN. The state ombudsman or any community ombudsman.

RECIPIENT. Any person residing or applying for residence or receiving treatment or care in any long-term care facility in all of its aspects including, but not limited to, admission, retention, confinement, period of residence, transfer, discharge and any instances directly related to such status. Nothing herein shall be construed so as to apply any portion of this act to the provision of any medical or surgical care, treatment or service to any person in the private office or clinic of a physician licensed to practice medicine in Alabama.

STATE OMBUDSMAN. The State Long-term Care Recipient Ombudsman, currently known as the Nursing Home Ombudsman of the Alabama Commission on Aging. The state ombudsman shall be appointed by the Commission and shall report to the Executive Director of the Commission.

Section 3. Duties of the State Ombudsman and the Commission.

The state ombudsman and the Commission are hereby authorized to investigate complaints concerning health care facilities. The state ombudsman shall promote the well-being and quality of life of long-term care recipients and encourage the development of community ombudsman activities at the local level. After appropriate training and approval by the Commission, community ombudsmen shall be certified by the Commission and shall have the powers and responsibilities set forth in Section 4 and 6 of this Act, subject to the procedures established by the state ombudsman pursuant to Section 5 of this Act. The state ombudsman shall submit to the Commission an annual written report documenting the kinds of complaints and problems reported so that the Commission can make recommendations concerning needed policy, regulatory, and legislative changes.

Section 4. Community Ombudsmen; Selection; Training, Duties.

(1) Each Area Agency on Aging funded by the Commission shall have the option to select at least one community ombudsman in each Planning and Service Area established according to regulations issued pursuant to the Older Americans Act of 1965, as amended. The community ombudsman shall be an employee or contractual employee of the Area Agency on Aging and shall certify to having no association with any long-term care facility or provider for reward or profit.

(2) The duties of each community ombudsman shall be as follows:

(a) To receive, investigate, respond to, and attempt informally to resolve complaints made by or on behalf of recipients;

(b) To report immediately instances of fraud, abuse, neglect, or exploitation to the Department of Pensions and Security for investigation and follow-up pursuant to the Adult Protective Services Act of 1976 and the Child Abuse and Neglect Act;

(c) To serve as a third-party mechanism for protecting the health, safety, welfare, and human rights of recipients;

(d) To report immediately any complaint that cannot be resolved informally to the state ombudsman for appropriate action under Section 8 of this Act;

(e) To collect data about the number and kinds of complaints handled; and

(f) To report regularly to the state ombudsman about the data collected and activities of the community ombudsman program.

(3) A description of the question of its community ombudsman program shall be included by each Area Agency on Aging in its Area Plan, which is subject to the approval of the Commission.

(4) Each Area Agency on Aging shall immediately notify the Commission of the selection of, and request the certification of, prospective community ombudsmen.

(5) The state ombudsman shall arrange for the training of all prospective community ombudsmen selected by Area Agencies on Aging. Such training shall include instructions in at least the following subjects as they related to health care;

(a) The responsibilities, duties and authority of community ombudsmen;

(b) The laws and regulations governing the receipt, investigation, and resolution of complaints;

(c) The role of local, state and federal agencies that regulate health care facilities;

(d) The different kinds of long-term care facilities in Alabama and the services provided in each setting;

(e) The special needs of the elderly and of the physically and mentally handicapped;

(f) The role of the family, the sponsor, the legal representative, the physician, the church and other public and private agencies, and the community;

(g) How to work with long-term care providers, and staff;

(h) The laws and regulations governing Medicare, Medicaid, Social Security, Supplemental Security Income, and the Veterans Administration, and

(i) The licensure requirements for administrators of nursing homes, home health care agencies, etc., including familiarity with the actual information required to obtain the various licenses.

(6) Persons selected by Area Agencies on Aging who shall have satisfactorily completed the training arranged by the state ombudsman shall be certified as community ombudsmen by the Commission. The certification can be terminated at any time by the Alabama Commission on Aging or appropriate Area Agency on Aging:

(a) When the community ombudsman is no longer employed by the Alabama Commission on Aging or Area Agency on Aging;

(b) For cause.

(7) Each Area Agency's on Aging Advisory Council shall appoint a subcommittee to advise it in the operation of its community ombudsman program. The number and qualifications of members of the advisory subcommittee shall be determined by the Area Agency on Aging but shall contain adequate representation from the various types of health facilities covered under the Area Agency community ombudsman plan.

Section 5. Procedures for receiving complaints; posting requirements.

The state ombudsman shall establish written procedures for receiving complaints involving long-term care facilities and their employees.

Section 6. Procedures for resolving complaints.

(1) A community ombudsman's access to any long-term care facility shall be limited to standard operating or visiting hours unless prior arrangements with the operator of the facility has been made.

(2) Any complaint requiring remedial action and deemed valid by the

ombudsman shall be identified and brought to the attention of the administrator in writing. Upon receipt of such document, the administrator, in coordination with the ombudsman, shall establish a course of appropriate remedial action. If the remedial action is not forthcoming within a mutually agreed time, the ombudsman must refer the case to the state ombudsman who may take on any or more of the following actions:

(a) Allow more time if the state ombudsman has reason to believe such action would facilitate resolution of the complaint;

(b) Refer the complaint to the Attorney General for prosecution if there is reason to believe that the health care facility or its employee is guilty of a criminal act;

(c) Refer the complaint in writing to the Bureau of Licensure and Certification or other appropriate agency and request that appropriate action be initiated.

(d) Refer any and all complaints arising out of or in any way related to the provision of any medical or surgical service or medical care and treatment to a recipient by a physician licensed to practice medicine in Alabama, in whatever setting the said complaint should arise, to the State Board of Medical Examiners only.

(3) The Commission on Aging, the state ombudsman and the affected community shall be kept advised and shall be notified in writing by the state agency of the resolution of any complaint that has been referred to the state agency by the state ombudsman.

(4) Community ombudsman shall respect the right to privacy of all involved parties when engaged in resolving complaints. Information concerning any aspect of a complaint resolution proceeding shall be kept confidential and shall not be disclosed by an ombudsman to any party not directly involved in the particular complaint. An ombudsman may be held personally liable for any damage to the reputation or good standing of a facility or individual resulting from the ombudsman's disclosure of information connected with a complaint resolution procedure.

Section 7. No. Immunity.

Nothing in this Act shall imply or be construed to imply the personal immunity of an ombudsman for legal proceedings which may occur as a result of action taken while discharging his/her duties as an ombudsman.

Section 8. Repealer.

All laws and parts of laws in conflict with this Act are, to the extent of such conflict, repealed.

Section 9. Severability.

Should any portion of this Act be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Act, which shall continue effective.

Section 10. Effective date.

This Act shall become effective 180 days after its being signed by the Governor, or upon its otherwise becoming law.

SUBSTITUTED ADOPTED

And the substitute was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, Marietta, Martin, Melton, Moore, Newman, Nicholson, Onderdonk, Parker, Payne Penry, Perdue, Poole, Pratt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (G), White (L), and Zoghby.

—83

And the bill:

H. 413. To be known as the "Long-term Care Recipient Ombudsman Act"; to provide general definitions; to authorize the State Long-Term Care Ombudsman and the Alabama Commission on Aging to investigate complaints concerning health care facilities and to certify community ombudsmen; to provide for the selection, training, and duties of community ombudsmen; to establish procedures for receiving, investigating, and resolving complaints; and to provide an effective date.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, McNair, Marietta, Martin, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—88

H. 405 TEMPORARILY POSTPONED

On motion of Rep. Beers, the bill, H. 405, was temporarily postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 214. MOURNING THE DEATH OF MRS. ALYNE LEWIS BIDDLE OF GARDENDALE, ALABAMA.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 309. (With Substitute): To reopen the State of Alabama retirement systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of any of the State of Alabama retirement systems; to provide for the payment by the members of such service; and to provide for its termination.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To reopen the State of Alabama retirement systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of any of the State of Alabama retirement systems; to provide for the payment by the members of such service; and to provide for its termination.

Be It Enacted by the Legislature of Alabama:

Section 1. Any active and contributing member of any one of the State of Alabama retirement systems who has been such a member for ten consecutive years and has not previously purchased credit for military service with any one of the State of Alabama retirement systems may hereby claim and purchase credit in his or her respective retirement system for up to four years' creditable service for time which such member has served in the active full-time military service of the armed forces of the United States, exclusive of any summer, weekend, or other part-time active military service in any reserve or national guard component of any branch of the armed forces, provided said member has not received credit toward retirement status in such retirement system for said military service, and further provided that such member shall receive no credit for military service if such member is receiving military service retirement benefits other than disability allowance or benefits from any branch of the United States armed forces or by reason of any such service in any branch of the armed forces; and provided further that such member received an honorable discharge for and including the claimed military service.

Section 2. Any member eligible to claim and purchase credit for service under section 1 of this act shall be awarded such credit under any such

retirement system of Alabama provided he or she shall pay into his or her respective retirement system or fund prior to said member's date of retirement and prior to October 1, 1985, a sum of money which is equal to a percentage of the member's current annual earnable compensation; the applicable percentage shall be the sum of the prevailing percentage rates of employer and member contributions as determined by the system's annual actuarial valuation for each year of purchased service.

Section 3. The provisions of this act to reopen the retirement system or fund for military service credit shall terminate October 1, 1985, and no one shall be eligible to utilize any of the options granted herein if not fully exercised and paid prior to October 1, 1985.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws in conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grayson, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, McNair, Marietta, Martin, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner, Venable, Warren, White (L), and Zoghby.

—75

Nay: Rep. Nicholson.

—1

MOTION TO ADJOURN LOST

The motion offered by Rep. Harvey that the House adjourn until 2:00 o'clock p.m., Tuesday, April 10, 1984, was lost.

Yeas 15; Nays 70.

Yeas:

Reps.: Boles, Brakefield, Burke, Dutton, Flowers, Goodwin, Hammett, McKee, Penry, Preuitt, Reed, Rice, Richardson, Seibels and Trammell.

—15

Nays:

Reps.: Albright, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark

(D), Clark (J), Clark (W), Davis, Escott, Faulk, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.) Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McMillan, McNair, Marietta, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Rains, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), and Zoghby.

—70

H. 309 RESUMED

And the bill, H. 309, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McMillan, McNair, Marietta, Martin, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L), and Zoghby.

—92

Nays: Reps.: Fuller and McKee.

—2

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Hall was inadvertently voted "Yea" on the bill, H. 309, and would have voted "Nay" had he been present at the time of voting.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 309:

Mr. Speaker, Albright, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Davis, Dutton, Escott, Gaston, Goodwin, Grayson, Hall, Harper, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Melton, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Reed, Richardson, Rogers, Seibels, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, Warren, White (G) and Zoghby.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said com-

mittee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 410. To amend Section 8-8-5, Code of Alabama 1975, relating to loans or credit sales to which usury laws do not apply, so as to reduce the amount on which interest may be negotiated notwithstanding any other law to the contrary.

JIMMY CLARK,
Chairman.

And the bill, H. 410 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 314. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for hunting or fishing licenses for totally disabled persons; to omit the license fee; to provide that licenses issued shall be on a continuous basis; to provide that holders may be required to obtain recertification of disability; to provide for the voiding of licenses of holders failing to obtain said recertification; to increase the issuing fee; and to provide that the issuing fee shall be paid into the county treasury under certain circumstances.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—96

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 314:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Brow, David, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Reed, Richardson, Rogers, Seibels, Spratt, Starkey, Starr,

Tanner, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

And the bill:

H. 26. To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages, and to provide criminal penalties.

Was taken up.

SUBSTITUTE OFFERED

Rep. Smith offered the following substitute to the bill, H. 26:

A BILL TO BE ENTITLED AN ACT

To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages, to provide criminal penalties, and to provide that juvenile offenders shall be incarcerated, if so sentenced, in juvenile detention facilities, and to exempt persons 19 years of age or older on the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding the provisions of Section 26-1-1, Code of Alabama 1975, it shall be unlawful for a person less than 21 years of age to attempt to purchase, to purchase, consume, possess or to transport any alcohol, liquor or malt or brewed beverages within the State of Alabama. It shall not be unlawful for a minor employee of an alcoholic beverage control board off-premises licensee to handle, transport or sell any malt or brewed beverage if such minor is acting within the line and scope of his employment while so acting.

Whoever violates this section shall be fined not less than \$25.00 nor more than \$100.00 or imprisoned in the county jail for not more than 30 days or both; provided further, that juvenile offenders shall not be imprisoned in the county jail, but shall be imprisoned, if so sentenced, in a juvenile detention facility.

Persons 19 years of age or older on the effective date of this act are hereby expressly exempt from the provisions of this act.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO POSTPONE LOST

The motion offered by Rep. Dutton to postpone consideration of the bill, H. 26, and the pending substitute, to the seventeenth legislative day, was lost.

Yeas 16; Nays 71.

Yeas:

Mr. Speaker, Bowling, Bryant, Buskey (James), Buskey (John), Clark (D), Clark (W), Goodwin, Harper, Junkins, Marietta, Melton, Nicholson, Seibels, Starkey and Starr.

—16

Nays:

Reps.: Adams, Albright, Bachus, Beers, Black, Blake Blakeney, Boles, Brakefield, Britnell, Brooks, Browder, Burke, Butler, Campbell, Carter, Coleman, Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Gray, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Martin, Mathis, Mitchell, Moore, Newman, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—71

The question was then on the adoption of the substitute offered by Rep. Smith to the bill, H. 26.

H. 26 TEMPORARILY POSTPONED

On motion of Rep. Turner, the bill, H. 26, and the pending substitute were temporarily postponed.

Yeas 59; Nays 5.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Bowling, Brakefield, Brooks, Bryant, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Coburn, Coleman, Davis, Escott, Faulk, Gaston, Goodwin, Grayson, Harper, Harvey, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, McDowell, McMillan, Marietta, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Richardson, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren and White (G).

—59

Nays: Reps.: Adams, Gray, Laird, McNair and Payne.

—5

And the bill:

H. 98. To amend Code of Alabama 1975, Section 5-5A-20, as amended by Act No. 83-73, First Special Session 1983, relating to branch banking, so as to provide that electronic funds transfer, automatic teller machines, and other off-premise operations which the Superintendent of Banks may authorize pursuant to Section 5-1A-7 shall not constitute branch banks, branch offices, branch agencies, additional offices, branch places of business, or offices for the transaction of the banking business, for the receipt of deposits, payment of checks, lending of money and conduct of a general banking business.

Was taken up.

MOTION TO TEMPORARILY POSTPONE

Rep. Zoghby offered the motion to temporarily postpone consideration of the bill, H. 98.

MOTION TO TABLE LOST

The motion offered by Rep. Hammett to table the motion to temporarily postpone the bill, H. 98, offered by Rep. Zoghby, was lost.

Yeas 20; Nays 56.

Yeas:

Reps.: Blakeney, Flowers, Hammett, Holley, Johnson (R.G.), Johnson (Roy), Junkins, McMillan, Moore, Newman, Onderdonk, Penry, Poole, Preuitt, Rice, Seibels, Smith, Turnham, Venable and Warren.

—20

Nays:

Mr. Speaker, Beers, Black, Blake, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Escott, Fuller, Gaston, Goodwin, Gray, Grayson, Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Kvalheim, Lindsey, McDowell, McKee, McNair, Marietta, Martin, Melton, Mikell, Mitchell, Nicholson, Parker, Payne, Perdue, Pratt, Richardson, Rogers, Spratt, Starkey, Starr, Tanner, Turner, White (G) and Zoghby.

—56

H. 98 TEMPORARILY POSTPONED

The question was then on the motion offered by Rep. Zoghby to temporarily postpone consideration of the bill, H. 98, and the motion was adopted.

Yeas 79; Nays 2.

Yeas:

Mr. Speaker, Bachus, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Coleman, Crow, Davis, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Warren, White (G) and Zoghby.

—56

Nays: Reps.: Dutton and Rains.

—2

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 214. MOURNING THE DEATH OF MRS. ALYNE LEWIS
BIDDLE OF GARDENDALE, ALABAMA.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 61. Relating to the uniform commercial code; to amend Section 7-9-403, Code of Alabama 1975, to exempt mobile homes from being subject to the limitation of filing a continuation statement five years after filing a financing statement on a perfected security interest.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John) Butler, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—88

And the bill:

H. 44. To amend Section 36-7-20 of the Code of Alabama 1975 so as to further provide that the per diem travel allowance for employees stationed at the same place in the state for a period in excess of two consecutive months shall be reduced to an amount equal to \$5.00 less than the regular per diem allowance fixed by the governor.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Reed, Richardson, Rogers, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Turnham, Venable, Warren, White (L), and Zoghby.

—75

And the bill:

H. 477. (With Substitute): To amend Sections 40-9-19 and 490-9-21, Code of Alabama 1975, which provides for ad valorem tax exemptions, so as to provide further for the homestead provisions for persons 65 years old or older.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, which provides for ad valorem tax exemptions, so as to provide further for the homestead provision for persons 65 years old or older.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-9-19, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-9-19. (a) Homesteads, as defined by the Constitution and laws of Alabama, are hereby exempted from all state ad valorem taxes. In no case shall the exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed \$4,000.00 in assessed value, nor 160 acres in area for any resident of this state who is not over 65 years of age. The homesteads of residents of this state, over 65 years of age, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in section 1-1-3, regardless of age or whether such person is retired, shall be exempt from all state ad valorem taxes.

"The state commissioner of revenue is hereby empowered to define and specify the condition or state of health that makes a person permanently and totally disabled and may issue certificates of disability to such person as he may find meets such specifications. Any person who is drawing any pension or annuity from the armed services or a company or governmental agency as being permanently and totally disabled shall automatically be

~~granted a certificate of permanent and total disability by the state commissioner of revenue.~~

"(b) For tax years beginning on and after October 1, 1981, for residents of this state not over 65 years of age, homesteads, as defined by the Constitution and laws of Alabama, are hereby exempted from all ad valorem property taxes levied, except ad valorem taxes levied for school districts, by any county of this state. In no case shall such exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed \$2,000.00 in assessed value, nor 160 acres in area for any resident of this state who is not over 65 years of age except as provided in subsection (c) of this section.

"(c) For tax years beginning on and after October 1, 1981 1984, the governing body of any county, municipality or other local taxing authority may at any time grant by resolution or ordinance an exemption from any levy of ad valorem property taxes levied by such county, municipality or other local taxing authority on homesteads, as defined by the Constitution and laws of Alabama, of residents of this state nor over 65 years of age. In no case shall such exemption herein allowed apply to more than one person, head of the family, nor shall said exemption, when added to any other homestead exemption applicable to the same ad valorem tax levy, exceed \$4,000.00 in assessed value, nor 160 acres in area. Any homestead exemption granted pursuant to this subsection (c) may be adjusted, rescinded or reinstated at any time by resolution or ordinance of the governing body of the county, municipality or other local taxing authority granting such exemption. Any action authorized by this subsection to be taken by a taxing authority, or the governing body thereof, shall, other than in the case of a municipality, be taken by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority; provided however, any action authorized by this subsection to be taken by a taxing authority, or the governing body thereof, which action shall affect countywide or district ad valorem taxes levied solely for the support of county or city school districts, shall be taken by resolutions of the governing bodies and boards of the school systems that are recipients of the proceeds of the ad valorem tax so affected by such action. The provisions of this subsection (c) shall in no way annul or reduce exemptions provided under subsections (a) and (b) and ~~(d)~~ of this section or those provided under 40-9-21, Code of Alabama, 1975.

~~"(d) For tax years beginning on and after October 1, 1981, for residents of this state, over 65 years of age who have an annual adjusted gross income of less than \$12,000.00 as reflected on the most recent state income tax return or some other appropriate evidence, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in section 1-1-3, regardless of age or whether such person is retired, homesteads, as defined in the Constitution and laws of Alabama, are hereby exempted from ad valorem property taxes levied by any county of this state, including such taxes levied for school districts. In no case shall such exemption exceed \$5,000.00 in assessed value, nor 160 acres in area. With respect to homesteads situated in more than one county, the exemption granted herein shall be prorated between the counties in which the homestead is situated in the proportion that the area of the homestead in each county bears to the total area of the homestead claimed for exemption.~~

~~"The department of revenue may be regulation define and specify the condition or state of health that makes a person permanently and totally disabled and may issue certificates of disability to any person that meets~~

~~such specifications. Any person who is drawing any pension or annuity from the armed services, a private company or any governmental agency because he is permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the department of revenue.~~

(e) (d) The grant of any homestead exemption provided under the provisions of this section shall not be allowed if such grant shall prevent the payment of any bonded indebtedness secured by any tax to which the homestead exemption would apply.

Section 2. Section 40-9-21, Code of Alabama 1975, is hereby amended to read as follows:

"40-9-21. In addition to the persons and property exempt from ad valorem taxation as prescribed in section 40-9-1, the following shall also be exempt from ad valorem taxation: the principal residence and 160 acres adjacent thereto the homestead as defined by the Constitution and laws of Alabama of any person who is totally disabled or who is 65 years of age or older, subject to limitation stated herein, having a net annual taxable income of \$7,000.00 or less, as shown on such person's and spouse's latest United States income tax return. In the event that such person and spouse are not required to file a United States income tax return, then an affidavit indicating that the net taxable income of such person and spouse for the preceeding taxable year was \$7,500.00 or less shall be sufficient proof. Proof of age shall be furnished when the exemption provided herein is claimed. Proof of total disability may be, but shall not be limited to, the written certification of such total disability by any two physicians licensed to practice in this state. In order to qualify for exemption under this section, such principal residence must be a single family residence owned and occupied by a person qualifying under this section. The exemption shall not exceed \$6,000.00 in assessed value, nor 160 acres in area for any resident of this state. Exemptions must be claimed annually and the assessor shall allow return to be filed by mail.

The state commissioner of revenue is hereby empowered to define and specify the condition or state of health that makes a person "permanently and totally disabled" and may issue certificates of disability to such person as he may find meets such specifications. Any person who is drawing any pension or annuity from the armed services or a company or governmental agency as being permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the state commissioner of revenue.

Section 3. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Davis, Escott, Ford, Gaston, Goodwin, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy),

Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Reed, Richardson, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (L) and Zoghby.

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And the bill, H. 477, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Boles Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 477:

Reps.: Adams, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Davis, Escott, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McDowell, McNair, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Parker, Payne, Perdue, Poole, Pratt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren and White (L).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 196. WISHING MRS. MILDRED GRIFFEN A SPEEDY RECOVERY.

Also:

H. J. R. 203. COMMENDING ST. PETER'S CATHOLIC CHURCH, MONTGOMERY, ALABAMA, ON THE OCCASION OF ITS SESQUI-

CENTENNIAL, FOR ITS OUTSTANDING CONTRIBUTIONS TO THE
COMMUNITY AND STATE.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 431. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson, (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (G), White (L) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 117. MOURNING THE DEATH OF MR. CYRUS E. NEWMAN, PROMINENT ALABAMA CONSERVATIONIST.

Also:

S. J. R. 119. COMMENDING THE GAMMA OMEGA CHAPTER OF PI KAPPA PHI FRATERNITY AT THE UNIVERSITY OF MONTEVALLO.

Also:

S. J. R. 127. COMMENDING MR. AND MRS. HOBART LOVE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

S. J. R. 128. COMMENDING DR. WILLIAM K. WEAVER, JUNIOR, OF MOBILE, ALABAMA.

Also:

S. J. R. 132. MOURNING THE DEATH OF FORMER STATE SENATOR JUNIUS J. (JUNIE) PIERCE OF MONTGOMERY, ALABAMA.

Also:

S. J. R. 142. COMMEMORATING THE DEATH OF DR. MARTIN LUTHER KING, JR.

Also:

S. 389. To propose an amendment to Amendment No. 432 of the Constitution of Alabama of 1901, relating to fire protection districts in Etowah County, so as to provide for the levy and collection of additional property tax for fire protection in such districts.

MCDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. McNair, the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced:

By Rep. McNair:

H. J. R. 215. NAMING H. B. 13 OF THE REGULAR SESSION 1984 THE "JOHN ROGERS ACT."

WHEREAS, Representative John Rogers of Birmingham, Alabama, worked diligently for and was instrumental in the support and passage of House Bill 13 of the 1984 Regular Session, which authorizes horse racing and pari-mutuel wagering thereon in Class 1 municipalities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the act which House Bill 13 of the 1984 Regular Session becomes shall be and the same is hereby named "the John Rogers Act."

RESOLVED FURTHER, That a copy of this resolution be presented to Representative Rogers.

On motion of Rep. McNair, the rules were suspended and the resolution, H. J. R. 215, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 404. To further reapportion House District 40 and House District 41 of the Alabama legislature based upon the 1980 census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (James), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Hettinger, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—80

And the bill:

H. 256. Relating to the corporate powers of health care authorities now or hereafter organized or re-incorporated under the provisions of Act No. 82-418, 1982 Regular Session (Article 11 of Chapter 21 of Title 22 of the Code of Alabama 1975, as amended); to empower any such health care authorities to provide certain health care services to persons (whether or not at health care facilities) and in connection therewith to make available to such persons certain health-care equipment, to acquire, own and operate certain day-care and similar facilities; to lend moneys to others (subject to certain conditions), to cause to be organized one or more affiliated public or not-for-profit corporations (or both) and to exercise corporate powers or functions through any such affiliated corporation (subject to certain conditions and limitations), to make available to any such affiliated corporation certain health care facilities, funds, moneys and similar assets, to provide certain services and to make available certain free or below-cost office space to health-care professionals (subject to certain conditions), and to issue securities without limit as to source of payment; and to provide that the grant of certain of such powers is declarative of existing law.

Was taken up.

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 256:

Amend House Bill 256 as follows:

1. On page 9, following line 17, insert the following text:

Section 3. No Effect on Certificate of Need Laws. It is the intention of the Legislature that (a) the obligation of any Authority to obtain any certificate of need, assurance of need or other similar permit in connection with the exercise by such Authority of any power hereby conferred on it shall be governed exclusively by applicable provisions of other laws of the State of

Alabama, as such laws may at the time exist, and (b) that the obligation of any Affiliated Corporation to obtain any certificate of need, assurance of need or other similar permit in connection with the exercise by such Affiliated Corporation of any power hereby conferred on it shall be governed exclusively by applicable provisions of other laws of the State of Alabama, as such laws may at the time exist, and that no such certificate of need, assurance of need or other similar permit shall be required of an Affiliated Corporation merely because it is an affiliate of an Authority or an Authority elects to exercise certain of its corporate powers and functions through an Affiliated Corporation. Therefore, nothing in this Act shall be construed (1) to authorize any Authority or Affiliated Corporation to exercise any power conferred upon it by this act without obtaining a certificate of need, assurance of need or similar permit in any circumstances where such certificate of need, assurance of need or other similar permit is, under then applicable provisions of law, otherwise required, or (2) to require any Authority or Affiliated Corporation to obtain any certificate of need, assurance of need or other similar permit in any circumstances where such certificate of need, assurance of need or other similar permit is not, under then applicable provisions of law, otherwise required.

2. On page 9, line 18, renumber "Section 3" as "Section 4."
3. On page 9, line 30, renumber "Section 4" as "Section 5."
4. On page 10, line 5, renumber "Section 5" as "Section 6."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McKee, McMillan, McNair, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Warren, White (G), White (L) and Zoghby.

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AMENDMENT OFFERED

Rep. Butler offered the following amendment to the bill, H. 256 as amended:

Delete entirely subsection (b) of Section 2 on page 5, lines 23 through 28, and redesignate the remaining subsections (c) through (k) accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—80

And the bill, H. 256, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Martin, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—86

And the bill:

H. 74. To repeal Sections 2-13-82, 2-13-83, 2-13-85 and 2-13-88, Code of Alabama 1975, which requires milk producers and processors to obtain a joint permit from the State Board of Health and the County Boards of Health in order to do business in Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Rice,

Richardson, Rogers, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—78

And the bill:

H. 141. To amend Section 16-1-18, Code of Alabama 1975, relating to school bus drivers and certain full-time support personnel employed by the boards of control of city and county school systems and the Alabama Institute for Deaf and Blind, so as to provide further for the maximum accumulated days not utilized or being paid for sick leave.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 2.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Perdue, Poole, Pratt, Rice, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren and White (L).

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Nays: Reps. McKee and White (G).

—2

CO-SPONSORS ADDED

Reps. Dutton and Parker were added as co-sponsors to the bill, H. 141.

And the bill:

H. 33. To authorize the Public Service Commission to grant intra-state charter rights to any common carrier of passengers by motor vehicle regardless if such common carrier holds and operates regular route authority.

Was taken up.

S. 202 SUBSTITUTED FOR H. 33

On motion of Rep. Turner, the bill, S. 202, was substituted for the bill, H. 33.

And the bill:

S. 202. To authorize the Public Service Commission to grant intra-state charter rights to any common carrier of passengers by motor vehicle regardless if such common carrier holds and operates regular route authority.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Perdue, Poole, Pratt, Rains, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—78

H. 33 INDEFINITELY POSTPONED

On motion of Rep. Turner, the bill, H. 33, was indefinitely postponed.

SPECIAL ORDER RESUMED

And the bill:

H. 341. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-6, 34-33-7, and 34-33-9 of the Code of Alabama 1975 which relate to the design, installation and maintenance of fire protection sprinkler systems so as to refine the definition of "Fire Protection Sprinkler Contractor"; to allow persons designated by the fire marshal to prepare and administer competency tests; to clarify application of this Act to certain owners of fire protection sprinkler systems; to allow for reciprocity among states for recognized permits; to allow a fire protection sprinkler controller to continue in business for a limited period if the contractor's certificate holder dies or leaves the employment of such contractor; to specify the time for filing renewal applications; and to provide that if plans for a fire protection sprinkler system are required to be submitted to and approved by any municipality, county or the state such plans must bear the permit number of the certified fire protection sprinkler contractor.

Was taken up.

SUBSTITUTE OFFERED

Rep. Starr offered the following substitute to the bill, H. 341:

A BILL TO BE ENTITLED AN ACT

To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-6, 34-33-7, and 34-33-9 of the Code of Alabama 1975 which relate to the design, installation and maintenance of fire protection sprinkler systems so as to refine the definition of "Fire Protection Sprinkler Contractor and Fire Protection Sprinkler System"; to allow persons designated by the fire marshal to prepare and administer competency tests; to clarify application of this Act to certain owners of fire protection sprinkler systems; to allow for reciprocity among states for recognized permits; to allow a fire protection sprinkler contractor to continue in business for a limited period if the contractor's certificate holder dies or leaves the employment of such contractor; to specify the time for filing renewal applications; and to provide that if plans for a fire protection sprinkler system are required to be submitted to and approved

by any municipality, county or the state such plans must bear the permit number of the certified fire protection sprinkler contractor.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-6, 34-33-7, and 34-33-9 of the Code of Alabama 1975, are hereby amended as follows:

Section 34-33-1. Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed in this section.

(1) **FIRE PROTECTION SPRINKLER CONTRACTOR.** An individual, partnership, corporation, association, or joint venture engaged in the business of installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems. This does not include local building officials, fire inspectors, or insurance inspectors when acting in their official capacity.

(2) **CERTIFIED FIRE PROTECTION SPRINKLER CONTRACTOR.** A fire protection sprinkler contractor who has qualified and received a permit from the state fire marshal.

(3) **CERTIFICATE HOLDER.** An individual who has satisfactorily met minimum experience requirements and completed and passed a competency test administered by the state fire marshal. The individual must be an owner, partner, officer, or in a management position of the fire protection sprinkler contractor.

(4) **STATE FIRE MARSHAL'S PERMIT.** The form issued by the state fire marshal to a fire protection sprinkler contractor upon application being approved, fee paid, and satisfactory testing of competency of an individual who is an owner, partner, officer, or in a management position of the fire protection sprinkler contractor. The permit shall be issued in the name of the fire protection sprinkler contractor, with the name of the certificate holder noted thereon.

(5) **FIRE PROTECTION SPRINKLER SYSTEM.** A system of overhead piping designed in accordance with fire protection engineering standards. The system is supplied from a reliable, constant and sufficient water supply, such as a gravity tank, fire pump, reservoir or pressure tank, and/or connection by underground piping to a city main. The portion of the sprinkler system above ground is considered the fire protection sprinkler system for purposes of this chapter, and is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area. Fire protection sprinkler systems shall include the following types: wet-pipe systems, dry-pipe systems, pre-action systems, deluge systems, combined dry-pipe and pre-action systems, antifreeze systems, and circulating closed loop systems, all as defined in National Fire Protection Association Pamphlet 13, Standard for the Installation of Sprinkler Systems, latest edition, or National Fire Protection Association Pamphlet 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Mobile Homes, latest edition.

Section 34-33-2. Administration of chapter vested in state fire marshal.

The administration of this chapter is vested in the state fire marshal

who shall have the power to set or make changes in the amount of the fee charged as necessary for the administration and enforcement of this chapter. The state fire marshal may, at his discretion, have the competency test, provided for in section 34-33-4, prepared and administered by others.

Section 34-33-3. Installation, repair, etc., of fire protection sprinkler systems—Conformity with chapter required.

It shall be unlawful for any individual, partnership, corporation, association, or joint venture to engage in the business of installation, repair, alteration, addition, maintenance, or inspection of a fire protection sprinkler system in this state except in conformity with the provisions of this chapter. Nothing in this chapter, however, shall be construed to apply to fire protection sprinkler system owners who employ registered professional fire protection engineers, or individuals who have satisfactorily met the minimum experience requirements of Section 34-33-4, or completed and passed a competency test administered by the state fire marshal, and skilled workers who regularly and routinely design, install, repair, alter, add to, maintain, and inspect sprinkler systems on and within the premises of their employer, provided such systems are for the owners' use only.

Section 34-33-4. Same—Application for state fire marshal's permit; contents; status of applicant; application fee; competency test; waiver of competency test; reciprocity.

Any individual, partnership, corporation, association, or joint venture desiring to engage in the business of installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems shall submit to the state fire marshal on standard forms provided by the state fire marshal an application, complete with all information required, on the applicant who is at present an owner, partner, officer, or in a management position of the fire protection sprinkler contractor making the application. The applicant shall include a fee of \$100.00 when making the application. A competency test shall be scheduled by the state fire marshal for the applicant. If the applicant shall provide sworn affidavits from three professional engineers currently registered in the state of Alabama, to the effect that the applicant has satisfactorily supervised the sale, design and installation of at least one fire protection sprinkler system of more than 200 sprinklers in size for each (complete with name, description and location of each), the competency test may be waived, provided the application is submitted prior to August 31, 1982. This chapter shall not prevent the state fire marshal, at his discretion, from issuing, upon receipt of the application and fee, a state fire marshal's permit to a fire protection sprinkler contractor who produces evidence of having ~~passed an approved competency test, or of having a current state fire marshal's permit from another state, if such state fire marshal shall have entered into an agreement of reciprocity with the state of Alabama fire marshal.~~

Section 34-33-6. Restrictions and limitations upon permit holder.

In no case shall a certificate holder be allowed to obtain a state fire marshal's permit for more than one fire protection sprinkler contractor at a time. If the certificate holder should leave the employment of the fire protection sprinkler contractor, he must notify the state fire marshal within 30 days. The certificate holder shall not be eligible to obtain a state fire marshal's permit for more than one other fire protection sprinkler contractor for a period of 12 months thereafter. If the certificate holder should leave the employment of the fire protection sprinkler contractor, or die, the contractor shall have ~~six~~ nine months or ~~until the expiration of the current permit,~~

~~whichever comes first,~~ to submit a new application on another certificate holder who is at present an owner, partner, officer, or in a management position of the fire protection sprinkler contractor, ~~and be issued a new permit.~~ If such application is not received and a new permit issued within the allotted time, the state fire marshal shall revoke the permit of the fire protection sprinkler contractor.

Section 34-33-7. Expiration of permit; renewal procedure.

The state fire marshal's permit shall expire annually at midnight on September 30. At least 30 days prior, the fire protection sprinkler contractor must submit a renewal application ~~and provide a sworn affidavit that the certificate holder has supervised the sale, design, and installation of at least three fire protection sprinkler systems of more than 200 sprinklers in size (complete with name, description, and location of each) in the last six months.~~ A renewal fee must be submitted with the application. Failure to renew the permit prior to the expiration shall cause the permit to be null and void as of the expiration date, and it shall be unlawful under this chapter for any individual, partnership, corporation, association, or joint venture to engage in the business of installing, repairing, altering, adding, maintaining, or inspecting a fire protection sprinkler system without a valid state fire marshal's permit. The permit may be reinstated by making application as before, and payment of the fee; however, until such time as a new permit is issued, it shall be unlawful for the fire protection sprinkler contractor to engage in installing, repairing, altering, adding, maintaining, or inspecting fire protection sprinkler systems.

Section 34-33-9. Chapter imposes no limitation on power of municipality, etc., to regulate work of contractors.

Nothing in this chapter limits the power of a municipality, county, or the state to regulate the quality and character of work performed by contractors, through a system of permits, fees, and inspections, which are designed to assure compliance with, and aid in the implementation of, state and local building laws or to enforce other local laws for the protection of the public health and safety. Nothing in this chapter limits the power of a municipality, county, or the state to adopt any system of permits requiring submission to and approval by the municipality, county, or the state, of plans and specifications for work to be performed by contractors before commencement of the work. If plans for a fire protection sprinkler system are required to be submitted to and approved by any municipality, county, or the state (or any departments or agencies thereof), the plans must bear the permit number of the certified fire protection sprinkler contractor. The official authorized to issue building or other related permits shall ascertain that the fire protection sprinkler contractor is duly certified by requiring evidence of a valid state fire marshal's permit.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Bachus, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Davis, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Pratt, Rains, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—68

And the bill:

H. 341. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-6, 34-33-7, and 34-33-9 of the Code of Alabama 1975 which relate to the design, installation and maintenance of fire protection sprinkler systems so as to refine the definition of “Fire Protection Sprinkler Contractor and Fire Protection Sprinkler System”; to allow persons designated by the fire marshal to prepare and administer competency tests; to clarify application of this Act to certain owners of fire protection sprinkler systems; to allow for reciprocity among states for recognized permits; to allow a fire protection sprinkler contractor to continue in business for a limited period if the contractor’s certificate holder dies or leaves the employment of such contractor; to specify the time for filing renewal applications; and to provide that if plans for a fire protection sprinkler system are required to be submitted to and approved by any municipality, county or the state such plans must bear the permit number of the certified fire protection sprinkler contractor.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Bachus, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Pratt, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—74

And the bill:

H. 444. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—78

And the bill:

H. 295. (With Amendment): To amend the Dental Practice Act, Sections 34-9-1, 34-9-6, 34-9-9, 34-9-17, 34-9-18, 34-9-19, 34-9-22, 34-9-27, 34-9-29, 34-9-40, 34-9-41 and 34-9-43 of the Code of Alabama 1975, so as to regulate further the practice of dentistry and dental hygiene; to regulate further the board of dental examiners; and to provide sanctions.

Was taken up.

SUBSTITUTE OFFERED

Rep. Clark (J) offered the following substitute to the bill, H. 295, and to the pending amendment reported by the Standing Committee on Health:

A BILL TO BE ENTITLED AN ACT

To amend the Dental Practice Act, Sections 34-9-1, 34-9-6, 34-9-9, 34-9-11, 34-9-17, 34-9-18, 34-9-19, 34-9-22, 34-9-25, 34-9-26, 34-9-27, 34-9-29, 34-9-41 and 34-9-43 of the Code of Alabama 1975, so as to regulate further the practice of dentistry and dental hygiene; to regulate further the board of dental examiners; and to provide sanctions.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-9-1, 34-9-6, 34-9-9, 34-9-11, 34-9-17, 34-9-18, 34-9-19, 34-9-22, 34-9-25, 34-9-26, 34-9-27, 34-9-29, 34-9-41 and 34-9-43 of the Code of Alabama 1975, are hereby amended to read as follows:

§ 34-9-1.

"For the purposes of this chapter, the following terms shall have the respective meanings ascribed by this section:

"(1) LICENSE. The grant of authority by the board to a person to engage in the practice of dentistry or dental hygiene.

"(2) LICENSE CERTIFICATE. The documentary evidence under seal of the board that said board has granted authority to the licensee to practice dentistry or dental hygiene in this state.

"(3) ANNUAL REGISTRATION. The documentary evidence that the board has renewed the authority of the licensee to practice dentistry or dental hygiene in this state.

“(4) BOARD. The board of dental examiners of Alabama.

“(5) COMMERCIAL DENTAL LABORATORY. A technician or group of technicians available to any or all licensed dentists for construction or repair of dental appliances.

“(6) PRIVATE TECHNICIANS. A technician employed by a dentist or group of dentists for a specified salary.

“(7) LOCAL ANESTHESIA. The elimination of sensations, especially pain in one part of the body by topical application or regional injection of a drug.

“(8) GENERAL ANESTHESIA. A controlled state of unconsciousness, accompanied by a partial or complete loss of protective reflexes, including inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic method.

“(9) SEDATION. A depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command, produced by a pharmacologic method.”

“§ 34-9-6. “A. Any person shall be deemed to be practicing dentistry who performs, or attempts or professes to perform, any dental operation or dental service of any kind, gratuitously or for a salary, fee, money or other remuneration paid, or to be paid, directly or indirectly, to himself, or to any person in his behalf, or to any agency which is a proprietor of a place where dental operations or dental services are performed; or

“(1) Who directly or indirectly, by any means or method, makes impression of the human tooth, teeth, jaws or adjacent tissue, or performs any phase of any operation incident to the replacement of a tooth or any part thereof; or

“(2) Supplies artificial substitutes for the natural teeth, and who furnishes, supplies, constructs, reproduces or repairs any prosthetic denture, bridge, appliance or any other structure to be worn in the human mouth; or

“(3) Who places such appliance or structure in the human mouth, or adjusts or attempts or professes to adjust the same, or delivers the same to any person other than the dentist upon whose prescription the work was performed; or

“(4) Who professes to the public by any method to furnish, supply, construct, reproduce or repair any prosthetic denture, bridge, appliance or other structure to be worn in the human mouth, or who diagnoses, or professes to diagnose, prescribe for, professes to prescribe for, treats or professes to treat disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws, or adjacent structure, or who extracts or attempts to extract human teeth, or remove tumors, abnormal growths or other lesions from the human gums, jaws and adjacent structures, or who operates for harelip or cleft palate; or who treats surgically or mechanically fractures of the human jaw; or who administers local or general anesthetics in the treatment of any dental lesion; or

“(5) Who repairs or fills cavities in the human teeth; or

“(6) Who uses a roentgen of X-ray machine for the purpose of taking dental X-rays or roentgenograms, or who gives, or professes to give, inter-

pretations or readings of dental X-rays or roentgenograms, or X-ray or roentgen therapy; or

“(7) Who administers an anesthetic of any nature in connection with a dental operation; or

“(8) Who uses the words ‘dentist,’ ‘dental surgeon,’ ‘oral surgeon’ or the letters ‘D.D.S.,’ ‘D.M.D.’ or any other words, letters, title or descriptive matter which in any way represents him as being able to diagnose, treat, prescribe or operate for any disease, pain, deformity, deficiency, injury or physical condition of the teeth or jaws or adjacent structures; or

“(9) Who states, or professes, or permits to be stated or professed by any means or method whatsoever that he can perform or will attempt to perform dental operations, or render a diagnosis connected therewith; or

“(10) Who performs any clinical operation included in the curricula of recognized dental colleges; provided, that members of the faculty, teachers, instructors, fellows, interns, residents, dental students and student dental hygienists who are employed by or who are taking courses or instructions at the University of Alabama School of Dentistry or such other dental colleges, hospitals or institutions in Alabama, as may be approved by the board; and provided, that the work of fellows, interns, residents, dental students and student dental hygienists is performed within the facilities of such dental colleges, hospitals and institutions under the supervision of an instructor and as an adjunct to his course of study or training, shall not be required to take examination or obtain a license certificate and renewal license certificate when all of such work, dental operations and activities are confined to his work in said college, hospital or other institution and said work is done without remuneration other than the regular salary of compensation paid by such colleges, hospitals or other institutions.

“B. Prohibitions: 1. LOCAL ANESTHESIA. Dentists licensed in this state may use local anesthesia in the course of their practice of dentistry.

“2. GENERAL ANESTHESIA. Twelve months after the effective date of this Act, dentists licensed in this state cannot use general anesthesia, in the practice of dentistry, until they have complied with the provisions of this chapter.

“3. INTRAVENOUS SEDATION. Twelve months after the effective date of this Act, dentists licensed in this state cannot use intravenous sedation in the practice of dentistry, until they have complied with the provisions of this chapter.

“C. Use of General Anesthesia: 1. No dentist shall employ or use general anesthesia on an outpatient basis for dental patients, unless such dentist possesses a permit of authorization issued by the Board of Dental Examiners of Alabama. The dentist holding such permit shall be subject to review and such permit must be renewed annually.

“2. In order to receive such permit, the dentist must apply on a prescribed application form to the Board of Dental Examiners of Alabama, submit application fee to be determined by the Board of Dental Examiners of Alabama not to exceed \$100.00, and produce evidence showing that he or she:

“a.(1) Has completed a minimum of one (1) year of advanced training in anesthesiology and related academic subjects (or its equivalent) beyond the undergraduate dental school level in a training program as described in

part II of the Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry; or

"(2) Is a Diplomate of the American Board of Oral and Maxillofacial Surgery, or is eligible for examination by the American Board of Oral and Maxillofacial Surgery, or is a member of the American Association of Oral and Maxillofacial Surgeons; or

"(3) Employs or works in conjunction with a trained M.D. who is a member of the anesthesiology staff in an accredited hospital, provided that such anesthesiologist must remain on the premises of the dental facility until any patient given a general anesthetic regains consciousness and is discharged; and

"b. Has a properly equipped facility for the administration of general anesthesia staffed with a supervised team of auxiliary personnel capable of reasonably assisting the dentist with procedures, problems and emergencies incident thereto. Adequacy of the facility and competence of the anesthesia team shall be determined by the Board of Dental Examiners as outlined in Part C. 3. below.

"3. Prior to the issuance of such permit, the Board of Dental Examiners of Alabama at its discretion, may require an on-site inspection of the facility, equipment and personnel to determine if, in fact, the aforementioned requirements have been met. This evaluation shall be carried out in a manner prescribed by the Board. The evaluation shall be conducted by a team of three (3) examiners appointed by the Board of Dental Examiners of Alabama. These examiners shall be dentists who are authorized to administer general anesthesia.

"If the results of the initial evaluation are deemed unsatisfactory, upon written request of the applicant, a second evaluation shall be conducted by a different team of examiners.

"4. Each dentist who has been using or employing general anesthesia prior to adoption of these provisions shall make application on the prescribed form to the Board of Dental Examiners of Alabama within one (1) year of the effective date of this Act, if such dentist desires to continue to use or employ general anesthesia. If he meets the requirements of this Act, he shall be issued such a permit, if said applicant does not meet the requirements of Paragraph C.2.a. through C.2.b. above, he may be entitled to a 'General Anesthesia Permit' provided said applicant passes to the satisfaction of the Board an on-site inspection as provided for in sub-section C.2. b. and C. 3. above.

"5. Each dentist who has not been using or employing general anesthesia prior to the effective date of the Act, who are otherwise properly qualified, may be granted by the Board a temporary provisional permit of one year in duration based on the applicants' producing evidence that he or she has complied with Paragraph C.2.a. through C.2.b. above pending complete processing of the application and thorough investigation of an on-the-site evaluation as described in Parts C.2.b. through C.3. above.

"6. The Board shall, with fee to be determined by the Board not to exceed \$50.00, renew the permit annually unless the holder is informed in writing that a re-evaluation of his credentials and facility is to be required. In determining whether such re-evaluation is necessary, the Board shall consider such factors as it deems pertinent including, but not limited to, patient complaints and reports of adverse occurrences. Such re-evaluation

shall be carried out in the manner described in sub-sections C.2.b. and C.3. above.

"7. A dentist, employing or using general anesthesia, and his auxiliary personnel shall be currently certified in cardiopulmonary resuscitation.

"8. The issuance of a permit for general anesthesia shall include the privileges of administering intravenous sedation.

"D. Use of Sedation Techniques:

"1. Intravenous Sedation—No dentist shall employ or use intravenous sedation on an outpatient basis for dental patients unless such dentist possesses a permit of authorization issued by the Board of Dental Examiners of Alabama. The dentist applying for or holding such permit shall be subject to on-site inspections as set forth in Section C under Use of General Anesthesia.

"a. In order to receive such permit, the dentist must apply on a prescribed application form to the Board of Dental Examiners of Alabama and submit a fee to be determined by the Board of Dental Examiners of Alabama not to exceed \$50.00, and produce evidence showing that he/she:

"(1) Has received formal training in the use of intravenous sedation and is competent to handle all emergencies relating to intravenous sedation and is currently certified in cardiopulmonary resuscitation. The certification of the formal training shall specify the total number of hours as well as the number of didactic hours and the number of patient contact hours. The number of didactic hours and the number of patient contact hours shall be determined by the Board. This training program must have been approved as acceptable for training in I.V. Sedation by the Board of Dental Examiners of Alabama.

"(2) Has a properly equipped facility for the administration of intravenous sedation, staffed with a supervised team of auxiliary personnel, capable of reasonably assisting the dentist with procedures, problems and emergencies incident thereto.

"(3) Adequacy of the facility and the competency of the sedation team shall be determined by the Board of Dental Examiners of Alabama.

"(4) Prior to the issuance of such permit, the Board of Dental Examiners of Alabama at its discretion, may require an on-site inspection of the facility, equipment and personnel to determine if, in fact, the aforementioned requirements have been met. This evaluation shall be carried out as provided for in this Act.

"b. If said applicant does not meet the requirements of Paragraph D.1.a. (1), he may be entitled to an 'Intravenous Sedation Permit' provided said applicant passes to the satisfaction of the Board an on-site inspection as provided for in this Act. Said inspection shall ascertain that the dentist has:

"(1) A properly equipped facility for the administration of intravenous sedation.

"(2) A supervised team of auxiliary personnel capable of reasonably assisting the dentist with procedures, problems and emergencies incident thereto.

"c. The Board in conducting the on-site inspection and evaluations required in this section shall have the authority to appoint a team of three

examiners who shall be dentists certified to administer intravenous sedation in accordance with this Act.

"d. A dentist utilizing intravenous sedation and his auxiliary personnel shall be currently certified in cardiopulmonary resuscitation.

"e. The Board shall, with fee to be determined by the Board not to exceed \$50.00, renew the permit annually unless the holder is informed in writing that a re-evaluation of his credentials and facility is to be required. In determining whether such re-evaluation is necessary, the Board shall consider such factors as it deems pertinent including, but not limited to, patient complaints and reports of adverse occurrences. Such re-evaluation shall be carried out in the manner described in Part C.3.

"2. Each dentist who has not been using or employing intravenous sedation prior to the effective date of the Act, who are otherwise properly qualified, may be granted by the Board a temporary provisional permit of one year in duration based on the applicants' producing evidence that he or she has complied with Paragraph D. 1. a. (1) — a. (2) pending complete processing of the application and thorough investigation of an on-the-site evaluation as described in Paragraph D. 1. a. (3) above.

"E. Further Requirements:

"1. Report of Injury or Mortality—All licensees engaged in the practice of dentistry in the State of Alabama must submit a complete report within a period of thirty (30) days to the Board of Dental Examiners of Alabama of any mortality or other incident occurring in the outpatient facilities of such dentist which results in permanent physical or mental injury of said patient as a direct result of general anesthesia or sedation techniques.

"§ 34-9-9.

"The term 'proprietor', as used in this chapter, shall not in any way pertain to state, county, municipal or city institutions and shall be deemed to include any person, firm, partnership, or corporation not licensed to practice dentistry who employs one or more dentists, dental hygienists, or both, in the operation of a dental office, or places in possession of a dentist, dental hygienist or other agent such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation for the use of such material, equipment or offices, or retains the ownership or control of dental equipment, material or office and makes the same available in any manner for the use by a dentist, dental hygienist or other agent, provided, that nothing in this chapter shall apply to bona fide sales of dental equipment or material secured by a chattel mortgage or retention title agreement and, provided further, that this section shall not prohibit or restrict persons, firms or corporations from employing or retaining licensed dentists to furnish dental treatment for their employees or dependents of their employees. A licensed dentist or dental hygienist who enters into any of the above described arrangements with an unlicensed proprietor as defined above may have his license and license certificate suspended or revoked by the board.

"A. No person other than a dentist licensed pursuant to this Chapter may:

"1. employ a dentist, dental hygienist or both in the operation of a dental office;

"2. place in the possession of a dentist, dental hygienist or other agent such dental material or equipment as may be necessary for the management

of a dental office on the basis of a lease or any other agreement for compensation for the use of such material, equipment or offices; or

"3. retain the ownership or control of dental equipment, material, or office and make the same available in any manner for the use of a dentist, dental hygienist or other agent.

"4. The term 'person' as used in this Section, shall not in any way pertain to state, county, municipal or city institutions but shall be deemed to include any individual, firm, partnership, corporation or other entity not licensed to practice dentistry in the State of Alabama.

"5. Nothing in this subsection shall apply to bona fide sales of dental equipment, material or office secured by a chattel mortgage or retention title agreement, or to an agreement for the rental of the equipment or office by bona fide lease at a reasonable amount, and under which agreement the licensee under this chapter maintains complete care custody, and control of said equipment and his practice. Further, nothing in this subsection shall prohibit or restrict persons, firms or corporations from employing or retaining licensed dentists to furnish dental treatment for their employees or dependents of their employees.

"B. The purpose of this section is to prevent a non-dentist from influencing or otherwise interfering with the exercise of a dentist's independent professional judgment. In addition to the acts specified in subsection A., no person other than a dentist licensed in accordance with this Chapter shall enter into a relationship with a person licensed under this Chapter pursuant to which said unlicensed person exercises control over the following:

"1. the selection of a course of treatment for a patient; the procedures or materials to be used as a part of such course of treatment, and the manner in which such course of treatment is carried out by the licensee;

"2. the patient records of a dentist;

"3. policies and decisions relating to pricing, credit, refunds, warranties and advertising; and

"4. decisions relating to office personnel and hours of practice.

"C. Any licensed dentist or dental hygienist who enters into any of the arrangements or relationships described in subsection A or subsection B above with an unlicensed person as defined above, may be subject to any of the penalties set forth in Section 34-9-18, Code of Alabama 1975."

Section 34-9-11

When application and accompanying proof as are required herein are found satisfactory, the board shall notify the applicant to appear before it for examination at a time and place to be fixed by the board, and each applicant shall be examined and graded by number in lieu of name. All examinations provided for in this chapter shall be conducted by the board and shall be of such type and character as to test the qualifications of the applicant to practice dentistry. In conducting examinations, each member of the board shall submit his questions to the other board members, and the entire board shall decide whether or not each proposed question is fair and practical. It is provided, however, that the board may recognize any written parts of an examination given by the national board of dental examiners in lieu of such examinations or subject to such examinations as the board may require. All examination papers, including questions and answers, with a separate list of those taking each examination and the numbers under which the

examination was taken shall be filed by the secretary-treasurer of the board with the Alabama State Department of Archives and History within 30 days after the examination has been completed, to be kept for a period of not less than three years. Those found qualified by the board shall be granted a license and a license certificate which shall bear a serial number, the full name of the licensee, the date of issuance and the seal of the board, and shall be signed by each member of the board.

Section 34-9-17

It shall be unlawful for any person or persons to practice or offer to practice dentistry under any name except his own name, which shall be the name used in his license certificate granted to him as a dentist as provided in this chapter; and it shall be unlawful to use the name of any company, association, corporation, clinic trade name or business name in connection with the practice of dentistry, as defined in this chapter; provided, that nothing herein contained shall be so construed as to prevent two or more licensed dentists from associating together for the practice of dentistry, each in his own proper name. The violation of any of the provisions of this section by any dentist shall subject such dentist to suspension or revocation of his license. It shall be unlawful, and a licensee may have his license suspended or revoked, for any licensee to conduct a dental office in his name, or advertise his name in connection with any dental office or offices, unless such person is personally present in said office operating as a dentist or personally overseeing such operations as are performed in said office or each of said offices; provided, that when an associate in practice is on temporary active duty with the armed forces his name may be continued as a partner. It shall be unlawful for a licensee to permit his or her name to appear on or within the office which he has sold to another licensee and from which he has severed his active practice, provided the name of a dentist who sells his office to a licensed dentist may remain on the offices for a period not to exceed six months. In like manner it shall be unlawful for the buyer to permit the former owner's name to appear on or within said office, except as herein provided.

"A. Any person or persons may practice or offer to practice dentistry in connection with any dental office or offices by or under the use of a name other than their own provided their name or names as they appear on their license certificate granted to him or them as a dentist pursuant to this chapter appear in a reasonably dignified manner either following or beneath any name selected and further provided that such person or persons are personally present in their office or offices operating as a dentist or personally overseeing such operations as they are performed in their office or each of their offices. When an associate in practice is on temporary active duty with the armed forces, his name may continue to appear in connection with the practice of dentistry at any office or offices. Nothing herein shall allow or permit any person or persons to select a name that suggests or implies a non-profit or charitable activity. The violation of any of the provisions of this subsection by any dentist may subject such dentist to any of the penalties outlined in Section 34-9-18, Code of Alabama 1975.

"B. It shall be unlawful for a licensee to permit his or her name to appear in any manner on, within or in connection with any office which he has sold to another licensee and from which he has severed his active practice, provided the name of the dentist who sells his office to a licensed dentist may remain in the office for a period not to exceed six (6) months and it shall also be unlawful for the buyer to permit the former owner's name to appear in any manner on, within or in connection with said office, except as

herein provided. The violation of any of the provisions of this subsection by any dentist may subject such dentist to the penalties outlined in Section 34-9-18, Code of Alabama 1975.

"C. Nothing in this section shall be so construed as to prevent two or more licensed dentists from associating together for the practice of dentistry."

"§ 34-9-18.

~~"The board may refuse to issue the license or license certificate provided for in this chapter or may suspend or revoke the license of any dentist or dental hygienist, now in force or that shall be hereafter issued, whenever it shall be established to the satisfaction of the board, after a hearing as hereinafter provided, that any licensed dentist or dental hygienist has been guilty of the following;~~

"A. The Board may invoke disciplinary action as outlined in subsection B hereof whenever it shall be established to the satisfaction of the Board, after hearing as hereinafter provided, that any dentist or dental hygienist has been guilty of the following:

"(1) Fraud, deceit or misrepresentation, whether knowingly or unknowingly, in obtaining any license, license certificate, annual registration certificate, money or other thing of value; or

"(2) Gross immorality; or

"(3) Is a menace to the public health or to patients or others by reason of a disease; or

"(4) Is an habitual user of intoxicants or drugs rendering him unfit for the practice of dentistry or dental hygiene; or

"(5) Has been convicted for violation of federal or state narcotics or barbiturate laws; or

"(6) Is guilty of gross negligence in the practice of dentistry or dental hygiene; or

"(7) Is guilty of employing, allowing or permitting any unlicensed person or persons to perform any work in his office which, under the provisions of this chapter, can only be legally done by a person or persons holding a license to practice dentistry or dental hygiene; or

"(8) Willfully or negligently violates the rules of the state department of health or of the board regarding sanitation; or

"(9) Is guilty of division of fees, or agreeing to split or divide the fee received for dental service with any person for bringing or referring a patient without the knowledge of the patient or his legal representative, except the division of fees between dentists practicing in a partnership and sharing professional fees, or in case of one licensed dentist employing another; or

"(10) Is guilty of professional connection or association with or lending his name to anyone who is engaged in the illegal practice of dentistry; or

"(11) Conviction in any court of competent jurisdiction of a felony or a misdemeanor involving moral turpitude; or

~~"(12) The board may suspend or revoke the license of any dental hygienist who is found guilty of using or attempting to use in any manner what-~~

~~soever any prophylactic lists, call lists, records, reprints, or copies of same, or information gathered therefrom, of the names of patients whom such dental hygienist served in the office of a prior employer, unless such names appear upon the bona fide call or prophylactic list of his present employer and were caused to so appear through the legitimate practice of dentistry as provided for in this chapter. The board shall also suspend or revoke the license of any licensed dentist who is found guilty of aiding or abetting or encouraging a dental hygienist employed by him to make use of a so called prophylactic list, or the calling by telephone or by use of letters transmitted through the mails to solicit patronage from patients formerly served in the office of any dentist employing such hygienists or nurse.~~

“(12)a. A dental hygienist using or attempting to use in any manner whatsoever any prophylactic list, call list, records, reprints, or copies of same, or information gathered therefrom, of the names of patients whom such dental hygienist served in the office of a prior employer, unless such names appear upon the bona fide call or prophylactic list of her present employer and were caused to so appear through the legitimate practice of dentistry as provided for in this chapter, or

“b. A licensed dentist who aids or abets or encourages a dental hygienist employed by him to make use of a so-called prophylactic list or the calling by telephone or by the use of letters transmitted through the mails to solicit patronage from patients formerly served in the office of any dentist employing such hygienist or nurse.

“(13) Pertaining to licensed dentists only, the prescribing, administering or dispensing of any controlled substances enumerated in Schedules I through V contained in the Alabama Uniform Controlled Substances Act, Chapter 2 of Title 20, Code of Alabama 1975, or any amendment or successor thereto, for any person not under his treatment in the regular practice of his profession.

“(14) Irregularities in billing an insurance company or other third party payer for services rendered to a patient.

“For the purposes of this section irregularities in billing shall include: reporting charges for the purpose of obtaining a total payment in excess of that usually received by the dentist for the services rendered; falsely reporting treatment dates for the purpose of obtaining payment; falsely reporting charges for services not rendered; falsely reporting services rendered for the purpose of obtaining payment; or failing to advise any third party payer that you have abrogated the co-payment provisions of a contract by accepting the payment received from the third party payer as full payment.

“B. When the Board finds any dentist or dental hygienist guilty of any of the grounds set forth in subsection A, it may enter an order imposing one or more of the following penalties:

“(1) Refuse to issue the dental or dental hygienist license or license certificate provided for in this chapter.

“(2) Revoke the license of any dentist or dental hygienist.

“(3) Suspend the license of any dentist or dental hygienist.

“(4) Enter a censure.

“(5) Issue an order fixing a period and terms of probation best adapted to protect the public health and safety and to rehabilitate the dentist or dental hygienist.

“(6) Imposition of an administrative fine not to exceed one thousand dollars (\$1,000.00) for each count or separate offense.

“(7) Imposition of restrictions on the scope of practice.

“(8) Imposition of peer review or professional education requirements.

“(9) Assessment of the costs of the disciplinary proceedings.

“C. Failure to comply with any final order of the Board, including but not limited to an order of censure or probation, is cause for suspension or revocation of a license.

“D. No disciplinary action as outlined in subsections B or C hereof shall be invoked or entered except after hearing by the Board as provided in this chapter, and such order is subject to judicial review as provided by this chapter.”

“§ 34-9-19.

“(a) For the purpose of this section, the following terms shall have the respective meanings:

“(1) DENTIST. Any person licensed to practice dentistry in this state pursuant to the provisions of this chapter, any association or partnership formed for the purpose of practicing dentistry and any professional corporation or professional unincorporated association formed pursuant to Title 10, Chapter 4 or 10, for the purpose of practicing dentistry.

“(2) ROUTINE DENTAL SERVICE. A dental service may be considered routine for a dentist if it has the following characteristics:

“a. It is performed frequently in the dentist’s practice.

“b. It is usually provided at a set fee to substantially all patients receiving the service.

“c. It is provided with little or no variance in technique or materials.

“d. It includes all professionally recognized components within generally accepted standards.

“(3) ADVERTISEMENT. An advertisement is information communicated in a manner designed to attract public attention to the practice of a dentist as heretofore defined.

“(4) FALSE, FRAUDULENT, MISLEADING OR DECEPTIVE. A false, fraudulent, misleading or deceptive statement or claim is one which:

“a. Contains a misrepresentation of fact;

“b. Is likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;

“c. or is intended or is likely to create false or unjustified expectations of favorable results;

“d. Implies unusual or superior dental ability;

“e. Contains other representations or implications that in reasonable probability will cause an ordinary and prudent person to misunderstand or be deceived.

“(b) A dentist may provide information regarding himself, his practice, and fixed fees associated with routine dental services in a dignified manner in newspapers, magazines, yellow page directories, consumer directories, or

comparable written publications or broadcast advertising over federal communications commission approved commercial radio or television. The dentist shall have ultimate responsibility for all advertisements which are approved by him, his agents or associates and the dentist shall be responsible for the following:

"(1) Broadcast advertisements shall be recorded, approved by the dentist, and a recording of the actual transmission shall be retained by the dentist.

"(2) Written or printed advertisements shall be approved by the dentist and a copy of the publication in which the advertisement is displayed shall be retained by the dentist.

"(3) Other forms of advertisement shall be approved by the dentist and the contents and specifications (where applicable) shall be retained by the dentist.

"(4) Advertising shall include the name of the dentist(s) and the names of all associates.

"(5) Advertising may include the following information:

"a. The dentist's title or degree or designation of any special area of dental practice approved by the American Dental Association in which the dentist has met the existing educational requirements and standards set forth by that association.

"b. Office and telephone answering hours, office location, office telephone number and residence address and telephone number.

"c. Fixed fees for a specific routine dental service. (Where complications are likely to arise or where other more expensive services may be required or advised or where special classes or patients such as children are involved, the advertising shall indicate the maximum fee which may be charged.)

"(6) A dentist may use or participate in the use of professional cards, appointment slips or cards, office signs, signs designating location, letterhead, or similar professional notices, only if they are presented in a reasonably dignified manner.

"(b) A dentist may provide information regarding himself, his practice, and fixed fees associated with routine dental services in a dignified manner only in newspapers, magazines, yellow-page directories, consumer directories, or comparable publications, or billboards or in written communication by mail or in broadcast advertising over federal communications commission approved commercial radio or television. Contact by telephone or in person delivery of written materials other than through the postal service or similar delivery service is prohibited, except as provided in subsection (6) hereof. In so advertising, a dentist shall not make any false, fraudulent, misleading or deceptive statements or claims. The dentist shall have ultimate responsibility for all advertisements which are approved by him, his agents or associates and the dentist shall be responsible for the following:

"(1) Broadcast advertisements shall be recorded, approved by the dentist and a recording of the actual transmission shall be retained by the dentist for a one-year period following the final appearance or use of the advertisement and the dentist is responsible for making copies of same available to the Board of Dental Examiners of Alabama within ten days following a request by the Board.

“(2) Written or printed advertisements shall be approved by the dentist and a copy of the publication in which the advertisement is displayed shall be retained by the dentist for a one-year period following the final appearance or use of the advertisement and the dentist is responsible for making copies of same available to the Board of Dental Examiners of Alabama within ten days following a request by the Board.

“(3) Other forms of advertisement shall be approved by the dentist and the contents and specifications (where applicable) shall be retained by the dentist for a one-year period following the final appearance or use of the advertisement and the dentist is responsible for making copies of same available to the Board of Dental Examiners of Alabama within ten days following a request by the Board.

(4) Advertising shall include the name of the dentist(s) and the names of all associates.

“(5) Advertising may include the following information:

“a. The dentist’s title or degree or designation of any special area of dental practice approved by the American Dental Association in which the dentist has met the existing educational requirements and standards set forth by that association.

“b. Office and telephone answering hours, office location, office telephone number and residence address and telephone number.

“c. Fixed fees for a specific, routine dental service. Where complications are likely to arise or where other more expensive services may be required or advised or where special classes or patients such as children are involved, the advertising shall indicate the maximum fee which may be charged.

“(6) A dentist may use or participate in the use of professional cards, appointment slips or cards, office signs, signs designating location, letter-head, or similar professional notices, only if they are neither false, fraudulent, misleading or deceptive.

“(c) The following requirements shall be met by a dentist when advertising a routine dental service;

“(1) No range of fee may be advertised for routine dental services.

“(2) Consultation, treatment planning, or treatment for any routine dental service advertised for a specific fee must be made available for a minimum of 60 days following the last day of publication or broadcast of that fee: or for any shorter period of time if clearly specified in the advertisement.

“(3) When a routine dental service is advertised as ‘free’, ‘no charge’, ‘without charge’, or the like, such service must be made available at no cost for a minimum of 60 days following the date of the last publication or broadcast of such free service: or for any shorter period of time if clearly specified in the advertisement.

“(4) When a patient accepts the treatment plan for a routine dental service which was advertised by the dentist during the previous 60 days for a specific fee, any subsequent dental service which is reasonably and foreseeably related to the advertised routine service must be provided without additional charge, unless the advertisement for the routine dental service includes the following statement:

"Additional charges may be incurred for related services which may be required in individual cases.

~~"(5) Advertisements may not include or use drawings, multi-colored prints, illustrations, animations, portrayals, dramatizations, slogans, music, lyrics, pictures, or demonstrations of skills or methods of practicing dentistry. Advertisements may not include the following:~~

"(a) drawings, multi-colored prints, illustrations, animations, portrayals, dramatizations, slogans, music, lyrics, or pictures which are false, fraudulent, misleading or deceptive;

"(b) celebrities, celebrity or personality endorsements; or

"(c) demonstrations of skills or methods of practicing dentistry.

"(6) Directly or indirectly offering, giving, receiving or agreeing to receive any fee or other consideration to or from a third party for the referral of a patient in connection with the performance of professional services is prohibited.

"(7) Testimonials and endorsements, including but not limited to, character references, statements of benefits from dental services received, and expressions of the appreciation for dental services shall not be used in any announcement, publicity, or advertisement.

"(8) Promotion of the sale of services, goods, appliances, or drugs in such manner as to exploit the patient for the financial gain of the practitioner or of a third party is prohibited.

"(9) Revealing a patient's personally identifiable facts, data, or information obtained in a professional capacity is prohibited.

~~"(10) Use of circulars, flyers, matchbooks, mirrors, throwaways, bumper stickers or such articles to advertise is prohibited.~~

"(d) The dentist is prohibited from including the following when advertising:

"(1) Statements claiming superiority in the name of a particular method of treatment shall be considered misleading and are prohibited. Such prohibition shall include but not be limited to:

"a. Statements that a certain dentist is a specialist or specializes in any branch of dentistry unless that specialty is approved by the American Dental Association and the dentist has met the existing educational requirements and standards set forth by the American Dental Association for that approved specialty. It is further provided that dentists who choose to announce specialization or the term 'practice limited to' shall:

(1) Limit their practice exclusively to the announced special area(s) of dental practice, provided at the time of the announcement such dentists have met in each approved specialty for which they announce the existing educational requirements and standards set forth by the American Dental Association.

(2) Not use their eligibility to announce as specialists to make the public believe that specialty services rendered in the dental office are being rendered by qualified specialists when such is not the case.

(3) Avoid any inference that general practitioners who are associated with specialists are qualified to announce themselves as specialists.

(4) Include an acknowledgement in all advertisements that refer to specialty services indicating whenever said services are being performed by a general dentist.

"b. The use of titles or terms that imply specialization when in fact no specialty is recognized by said title or term by the American Dental Association; for example, 'exodontist', 'cosmetic dentistry', 'implantologist' or any similar expressions.

"b. "c. Statements such as 'quality dentistry', 'quality work', 'staff of skilled dentists', 'skilled employees', or references to licensed employees.

"e. "d. Statements that a certain dentist uses or may use a special material, drug formula, medicine or appliance, that is not available or used by other dentists generally.

"(2) Statements of superior facilities at a certain office are prohibited; for example, 'scientifically equipped', 'latest modern equipment', 'modern offices', 'modern methods', 'modern devices', or any similar expressions.

"(3) The advertising of performance of any dental operation without causing pain is prohibited.

"(4) False statements including the number of years in practice or in any one location or reference thereto are prohibited.

"(5) The omission from signs, or advertising of the names of any associates or employed licensed dentist is prohibited.

"(6) Statements of any nature that indicate that a certain dentist does all the work himself, when, as a matter of fact, all or part of the work or service is performed by another, are prohibited.

"(7) Statements which indicate the use of any anesthetic, drug, formula, material, method or system which is falsely advertised or misnamed are prohibited.

"(8) Statements that a dentist or a dental group is affiliated with a non-profit or charitable organization are prohibited.

"(e) No dentist shall advertise or solicit patients in a manner that is false or misleading in any material respect. No dentist shall advertise or solicit patients in a manner that is false, fraudulent, misleading or deceptive in any material respect.

"(f) No dentist shall publish or circulate, directly or indirectly, any fraudulent, false or misleading statements as to the skill or methods of practice of himself or any other person. No dentist shall publish or circulate directly or indirectly, any fraudulent, false, misleading or deceptive statements as to the skill or methods of practice of himself or any other person.

"(g) In the case of advertising no dentists shall cause their name or picture to appear in connection or association with any publication, statement, article or presentation connected with or concerning any aspect of dentistry unless the publication, statement, article or presentation is actually authored, written or prepared by that dentist.

"(h) Violation of any provision of this section shall subject the dentist to the suspension or revocation of his license. No such order of suspension or revocation shall be made or entered except after notice and hearing by the board as provided in this chapter, and such order shall be subject to judicial review as provided by this chapter. Violation of any provision of

this section shall subject the dentist to the penalties outlined in Section 34-9-18, Code of Alabama 1975, and no order imposing those penalties shall be made or entered except after notice and hearing by the Board as provided in this chapter, and such order shall be subject to judicial review as provided by this chapter."

"§ 34-9-22.

"Whoever sells or offers to sell a diploma conferring a dental degree, or a license certificate or annual registration certificate granted pursuant to this chapter or prior dental act, or procures such diploma or license certificate or annual registration certificate with intent that it shall be used as evidence of the right to practice dentistry or dental hygiene as defined by law, by a person other than the one upon whom it was conferred or to whom such license certificate or annual registration certificate was granted, or with fraudulent intent alters such diploma or license certificate or annual registration certificate, or uses or attempts to use it when it is so altered shall be deemed guilty of a misdemeanor. The board may refuse to grant a certificate to practice dentistry or dental hygiene to any person found guilty of making a false statement or cheating, or of fraud or deception either in applying for a license, a license certificate or annual registration certificate or in taking any of the examinations provided for herein. The Board may impose any of the penalties outlined in Section 34-9-18, Code of Alabama 1975, against any person found guilty of making a false statement or cheating, or of fraud or deception either in applying for a license, a license certificate or annual registration or in taking any of the examinations provided for herein."

"§ 34-9-25.

"From any order of the Board refusing to issue a license or license certificate or revoking or suspending a license or license certificate, any party affected thereby may bring an action to the circuit courts to set aside said order on the ground that same is unlawful or arbitrary. From any order of the Board imposing any of the penalties found in Code of Alabama 1975, 34-9-18, any party affected thereby may bring an action to the circuit courts to set aside said order on the ground that same is unlawful or arbitrary."

Section 34-9-26.

No person shall practice as a dental hygienist in this state until such person has passed an examination given by the board under such rules and regulations as it may promulgate. The fee for such examination shall not be less than \$20.00 nor more than \$40.00, and the license certificate fee shall be \$10.00. The board shall issue licenses and license certificates as dental hygienists to those persons who have passed said examination and have been found qualified by the board. The license certificate and annual registration certificate shall be displayed in the office in which the dental hygienist is employed. No person shall be entitled to such a license and license certificate unless such person shall be a citizen of the United States of America, 19 years of age and of good moral character. Each applicant for examination and license as a dental hygienist shall be a graduate of a school of dental hygiene which has been approved by the board or in lieu thereof shall have served at least one year as a dental assistant and shall have served at least one year as a dental hygienist trainee under a training permit issued by the board to a qualified dentist practicing in this state in accordance with the dental hygienist training program established by the board of dental examiners of Alabama. Any person practicing in violation of the provisions of this section shall be guilty of a misdemeanor, and the board may revoke or

suspend his or her license for such violation. Any person practicing in violation of the provisions of this section shall be guilty of a misdemeanor, and the Board may impose the penalties outlined in Code of Alabama 1975, Section 34-9-18 for such violation.

Section 34-9-27.

"A dental hygienist shall work only under the direct supervision of a duly licensed dentist practicing in this state. Dental hygienists may take, develop and mount oral X-rays; remove calcareous deposits, accretions or stains from the teeth; and assist a licensed dentist in his or her practice. Any person licensed by the board under this section who has completed the curriculum for dental hygienists at a dental school approved by the board shall have the right to use the title dental hygienist or the abbreviations thereof, 'D.H.' appended to his or her name signifying the certificate conferred. The board may suspend or revoke the license, license certificate and annual registration certificate of any licensed dentist who shall permit any dental hygienist working under his or her supervision to perform any operation other than those permitted under the provisions of this section, and may suspend or revoke the license of any dental hygienist who shall perform any operation other than those permitted under this section. The Board may impose any of the penalties outlined in Section 34-9-18, Code of Alabama 1975, against any dentist who shall permit any dental hygienist working under his or her supervision to perform any operation other than those permitted under the provisions of this section, and may impose the penalties outlined in Section 34-9-18, Code of Alabama 1975, against any dental hygienist who shall perform any operation other than those permitted under this section."

"§ 34-9-29.

"When it appears to the board that any person who is not licensed under the provisions of this chapter is violating any of the provisions of this chapter, the board may in its own name bring an action in the circuit court for an injunction, and said court of this state may enjoin any person from violating this chapter regardless of whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted. When it appears to the board that any person is violating any of the provisions of this chapter, the board may in its own name bring an action in the circuit court for an injunction, and said court of this state may enjoin any person from violating this chapter regardless of whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted. For purposes of this section, person shall be deemed to include any individual, firm, partnership, corporation, professional association, professional corporation or other entity."

"§ 34-9-41.

"The board shall annually elect from its membership a president, vice-president and secretary-treasurer and may employ a secretary who is not a member of the board, and it shall not be necessary that the secretary be a dentist. The board shall have a common seal. The board shall hold an annual meeting in Birmingham at the University of Alabama School of Dentistry as soon as practical after the graduation exercises of the dental school for the purpose of examining applicants for a license to practice dentistry and dental hygiene or at such other times and places as the board may designate for the purpose of transacting its business and examinations. Three members of the board shall constitute a quorum for the transaction of busi-

ness at any meeting, except, that, in conducting hearings involving the suspension or revocation of licenses and examinations of licensure, five members of the board shall be present. In conducting examinations or hearings involving the suspension or revocation of licenses, a majority of the board may appoint any former member of the board and such other licensed practicing dentists who for such purposes shall have all the powers and privileges of such office as the regular board members possess. Three members of the Board shall constitute a quorum for the transaction of business at any meeting except, that, in conducting hearings involving any of the penalties outlined in Section 34-9-18, Code of Alabama 1975, and examinations of licensure, five members of the Board shall be present. In conducting examinations or hearings involving any of the penalties outlined in Section 34-9-18, Code of Alabama 1975, a majority of the Board may appoint any former member of the Board and such other licensed practicing dentists who for such purposes shall have all the powers and privileges of such office as a regular Board member possesses. Out of the funds of the board the members thereof shall receive as compensation a sum to be fixed by the board, said sum not to be less than \$25.00 nor more than \$150.00 per day and the necessary expenses for each day actively engaged in the duties of their office. The secretary-treasurer shall receive such compensation as may be fixed by the board, which shall be in addition to his per diem and expenses, provided no per diem or expenses shall be allowed unless his duties require his absence from his office. The secretary shall receive such compensation as may be fixed by the board. The secretary-treasurer shall be custodian of all property, money, records and the official seal of the board. All money received by the board under this chapter shall be paid to and received by the secretary-treasurer of the board. The secretary-treasurer shall deposit to the credit of the board all funds paid to the board in a bank selected by its members. The board is authorized to expend such funds as shall be necessary to enforce the provisions of this chapter; to pay salaries, expenses and other costs herein provided; to promote the arts and science of dentistry; and for such other purposes as the board shall consider to be in the best interest of dentistry in this state. All the costs herein provided for shall be paid by checks drawn by the secretary-treasurer and countersigned by the president of the board. Should the property be other than money, the secretary-treasurer shall provide for the safekeeping thereof for the use of the board. All money, including license fees, annual renewal license certificate fees, examination fees and any and all other fees and receipts under the provisions of this chapter, are hereby appropriated to the board of dental examiners to be used as herein provided. ~~On or before July 1, 1962, the board shall send a copy of this section to all licensed dentists in the state of Alabama."~~

"§ 34-9-43.

"The board shall exercise, subject to the provisions of this chapter, the following powers and duties:

"(1) Adopt such rules for its government as it may deem necessary and proper;

"(2) Prescribe rules for qualification and licensing of dentists and dental hygienists;

"(3) Conduct examinations to ascertain the qualification and fitness of applicants for licenses as dentists and dental hygienists;

"(4) Make rules and regulations regarding sanitation;

"(5) Formulate rules and regulations by which dental schools and colleges shall be approved and formulate rules and regulations by which training, educational, technical, vocational, or any other institution which provides instruction for dental assistants, dental laboratory technicians or any other paradecimal shall be approved;

"(6) Grant licenses, issue license certificates, teacher's permits and annual registration certificates in conformity with this chapter to such qualified dentists and dental hygienists;

~~"(7) Conduct hearings or proceedings to suspend or revoke a license granted under the authority of this chapter or previous acts; Conduct hearings or proceedings to impose the penalties outlined in Section 34-9-18, Code of Alabama 1975;~~

"(8) Employ such persons as it may deem necessary to assist in carrying out its duties in the administration and enforcement of this chapter, and to provide offices, furniture, fixtures, supplies, printing or secretarial service; expend such funds as may be deemed necessary therefor, and employ an attorney or attorneys, subject to the approval of the attorney general, to advise and assist in the carrying out and enforcing of the provisions of this chapter;

"(9) Investigate violations of the chapter that may come to the knowledge of the board, and institute or cause to be instituted before the board or in a proper court appropriate proceedings in connection therewith;

"(10) Adopt rules and regulations to carry out and make effective the provisions of this chapter;

"(11) Publish annually the rules and regulations promulgated by the board, a copy of the Dental Practice Act and a list of all persons licensed to practice under this chapter; and

"(12) Attend such meetings, seminars, work shops, or events that may in any way improve the function and efficiency of the board or improve the board's ability to enforce and carry out the provisions of this chapter."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beers, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell,

Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Venable, Warren, White (G), White (L) and Zoghby.

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And the bill:

H. 295. To amend the Dental Practice Act, Sections 34-9-1, 34-9-6, 34-9-9, 34-9-11, 34-9-17, 34-9-18, 34-9-19, 34-9-22, 34-9-25, 34-9-26, 34-9-27, 34-9-29, 34-9-41 and 34-9-43 of the Code of Alabama 1975, so as to regulate further the practice of dentistry and dental hygiene; to regulate further the board of dental examiners; and to provide sanctions.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 73; Nays 6.

Yeas:

Mr. Speaker, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Martin, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

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Nays:

Reps.: Beers, Blake, Gray, McKee, McNair and White (G).

—6

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:15 P.M. on April 5, 1984.

H. J. R. 213

Delivered to the Governor at 5:10 P.M. on April 5, 1984.

H. J. R. 214

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Holley and pursuant to the resolution, H. R. 212, heretofore adopted, the House adjourned until 2:00 o'clock p.m., Tuesday, April 10, 1984.

REGULAR SESSION
17th Day

945

SEVENTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 10, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mr. Hunter Smith, Retired Minister, First Christian Church, Fairfax, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark, (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixteenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the reading at length of the Journal of the House for the sixteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixteenth legislative day was approved.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on rules begs leave to report that said committee, in session, has compared the following engrossed bills with the original bill and finds same correctly engrossed, to-wit:

H. 413. To be known as the "Long-term Care Recipient Ombudsman Act"; to provide general definitions; to authorize the State Long-Term Care

Ombudsman and the Alabama Commission on Aging to investigate complaints concerning health care facilities and to certify community ombudsmen; to provide for the selection, training, and duties of community ombudsmen; to establish procedures for receiving, investigating, and resolving complaints; and to provide an effective date.

Also:

H. 615. To amend §40-25-2, Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; to amend Section 40-25-23 to provide for disposition of the proceeds of the tobacco tax; to provide for consistency in the manner of taxing cigarettes within the State of Alabama; and to repeal Sections 40-25-60, 40-25-61 and 40-25-62, Code of Alabama, 1975.

JIMMY CLARK,
Chairman.

And the bills, H. 413 and H. 615, as engrossed, were sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bills with the original bill and finds same correctly engrossed, to-wit:

H. 295. To amend the Dental Practice Act, Sections 34-9-1, 34-9-6, 34-9-9, 34-9-11, 34-9-17, 34-9-18, 34-9-19, 34-9-22, 34-9-25, 34-9-26, 34-9-27, 34-9-29, 34-9-41, and 34-9-43 of the Code of Alabama 1975, so as to regulate further the practice of dentistry and dental hygiene; to regulate further the board of dental examiners; and to provide sanctions.

Also:

H. 341. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-6, 34-33-7, and 34-33-9 of the Code of Alabama 1975 which relate to the design, installation and maintenance of fire protection sprinkler systems so as to refine the definition of "Fire Protection Sprinkler Contractor and Fire Protection Sprinkler System"; to allow persons designated by the fire marshal to prepare and administer competency tests; to clarify application of this Act to certain owners of fire protection sprinkler systems; to allow for reciprocity among states for recognized permits; to allow a fire protection sprinkler contractor to continue in business for a limited period if the contractor's certificate holder dies or leaves the employment of such contractor; to specify the time for filing renewal applications; and to provide that if plans for a fire protection sprinkler system are required to be submitted to and approved by any municipality, county or the state such plans must bear the permit number of the certified fire protection sprinkler contractor.

JIMMY CLARK,
Chairman.

And the bills, H. 295 and H. 341, as engrossed, were sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Clark (J), Chairman of the Standing Committee on Rules, re-

ported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 90. Proposing an amendment to the Constitution of Alabama declaring it to be the public policy of Alabama that the right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization.

And the resolution, H. J. R. 90, was read a second time at length and placed on the Calendar.

BILLS ON SECOND READING

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 321. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 716. (With Substitute): To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years of age to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 705. To authorize the Marion County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

H. 714. Relating to Lamar County; to amend Section 1 of Act No. 82-511, H. 796, of the 1982 Regular Session so as to provide that twenty-five percent of all funds accruing to Lamar County from the oil and gas privilege tax pursuant to Sections 40-20-1 through 40-20-13 of the Code of Alabama 1975, shall be transferred to the county board of education; and to provide that the funds so transferred shall be spent by the county board of education for capital improvement or the purchase of school buses.

H. 737. Relating to Washington County; providing for an expense allowance, payable from the county general fund, for the Circuit Clerk of the county; specifically repealing Act No. 81-177, H. 618, Regular Session 1981 (Acts 1981, p. 202), and repealing conflicting laws, all relating to the compensation of the Circuit Clerk of Washington County; providing that such expense allowance shall be calculated on a certain percentage of the state compensation for such official.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Bachus, Coleman, Blakeney, Hooper, Turner, Harper, Beers, Laird, White (G), Harvey, Brooks, Holley, Cosby, Campbell, Marietta, and Mitchell:

H. 745. To exempt from state income taxation certain income earned by a foreign missionary while serving out of this country.

Committee on Ways and Means.

By Reps. Carter and Clark (D) (With Notice and Proof):

H. 746. Relating to Limestone County; to provide for appointment of a county license commissioner by the county commission in lieu of the county license commission authorized by Act No. 746, H. 757 of the 1978 Regular Session (Acts 1978, p. 1089); to prescribe the duties, compensation and term of such commissioner; to abolish the office of county license inspector and transfer such duties to the newly appointed license commissioner; to provide that such commissioner shall perform certain duties heretofore performed by the tax assessor, tax collector and judge of probate; to prescribe certain fees, charges and commissions to be collected by such commissioner and provide for disposition of the proceeds thereof; to provide for certain reports relating to such collections and to prescribe certain penalties for violations relating to licenses.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 746, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Carter and Clark (D) (With Notice and Proof):

H. 747. Relating to Limestone County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as the county revenue commissioner; abolishing the offices of tax assessor and tax collector in said county; prescribing the duties and compensation of such commissioner and providing for referendum approval of such consolidation.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 747, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Carter and Clark (D) (With Notice and Proof):

H. 748. Relating to Limestone County; providing that any unencumbered portion of the proceeds of any special county tax levied pursuant to Amendment 125, Constitution of Alabama 1901, can be used, in addition to all other authorized purposes, to defray the expense of indigent health care, to pay obligations of Limestone County pursuant to the Alabama Health Care Responsibility Act, Sections 22-21-290 through 22-21-297, Code of Alabama 1975, relating to county responsibility and indigent health care, or otherwise to fund indigent health care for Limestone County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 748, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Carter and Clark (D) (With Notice and Proof):

H. 749. To authorize the Limestone County Commission to provide forest and other acreage protection within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forestlands and other acreage protected by the Alabama Forestry Commission in the county and to prescribe the procedure for levying and collecting such assessments.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 749, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Carter and Clark (D) (With Notice and Proof):

H. 750. Relating to Limestone County; authorizing the Limestone County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said

fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 750, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Moore:

H. 751. To amend section 17-4-138, Code of Alabama 1975, relating to the hiring of clerical employees and the purchase of office equipment by boards of registrars, so as to provide further for hiring such employees and for purchasing office equipment.

Committee on Local Government.

By Rep. Campbell:

H. 752. To amend Chapter 17 of Title 27, Code of Alabama 1975, by adding a new section to modify the method of calculating reserves on burial insurance policies.

Committee on Judiciary.

By Rep. Butler (With Notice and Proof):

H. 753. Relating to Madison County; providing for the county governing body to reimburse the office of probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 753, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Johnson (Roy):

H. 754. To create and establish a Natural Heritage Program in the State Parks Division of the Alabama Department of Conservation and Natural Resources; to provide for the primary purposes and location of the Natural Heritage Program; to define the responsibilities and duties of the Natural Heritage Program staff; to create a Natural Areas Advisory Committee and its duties and responsibilities; to provide for a registry of natural areas and a process for registration and rescission of registration; to provide for public access to registered areas; to create the Alabama Natural Heritage Trust Commission and its duties and responsibilities; to create an Alabama Natural Heritage Trust and provide for the composition and substantive terms thereof; to provide for the management of said trust; to provide for limited circumstances in which condemnation of any property in said trust may occur; to provide for the promulgation of rules and regulations pursuant to this act and penalties thereof; to provide for funding requests in annual budgets for costs and operating expenses; to provide for the expendi-

ture of trust assets and income; to define the protective provisions of this act; to provide for the sale and issuance of use permits for heritage preserves, and to provide for user or subscription fees for natural area inventory information and protection of said information; and to provide for advertisement of and solicitation of donations to the Alabama Natural Heritage Program.

WHEREAS, the Alabama Legislature finds that as a part of the continuing growth of the population and development of the economy of the State it is necessary and desirable that portions of the State's rich natural and cultural diversity be set aside as heritage preserves and sites and protect it for the benefit of present and future generations, for once disturbed they cannot be wholly restored; and

WHEREAS, such areas and features are irreplaceable as laboratories for scientific research; as reservoirs of natural materials for which the value and usefulness thereof is not yet fully known; as habitats for rare and vanishing species; and as living museums where people may observe natural biotic and environmental systems and as areas for study and enjoyment as examples of the lands, structures and related artifacts which represent significant parts of our natural and cultural heritage; and

WHEREAS, a number of independent and differing efforts, both private as well as public, have been initiated to protect some of these assets, a coordinated and concerted program is needed in order to avoid duplication and/or conflict among these and other valuable activities and to insure the maximum conservation of these resources through the establishment of a more effective and adequate official legal mechanism for identifying and recognizing and protecting such areas for their outstanding characteristics; and

WHEREAS, it is necessary and desirable to coordinate and share natural heritage information with the other southeastern states; now, therefore,

Committee on Ways and Means.

By Rep. Turner (With Notice and Proof):

H. 755. Relating to Mobile County; providing for the salary of the License Commissioner of Mobile County.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 755, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 756. To amend the Civil Service Act (Local Act No. 470, Approved September 15, 1939, Local Acts of Alabama, Page 298) so as to provide that the employees of the Utilities Board of the Town of Citronelle may voluntarily withdraw themselves and the Utilities Board from the county-wide civil service system of Mobile County, Alabama, and to provide for an election and the procedure for the election to determine whether the Utilities Board shall be subject to the county-wide civil service system of Mobile County,

Alabama and to provide the employees the authority and procedure to vote in subsequent elections on the same issues.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 756, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Clark (D), Goodwin, and Starkey (With Notice and Proof):

H. 757. Relating to Lauderdale County; designating the combination of offices of tax assessor and tax collector, pursuant to Act No. 81-606, H. 1084, 1981 Regular Session, as the Revenue Commissioner; providing further for the compensation, term, election and temporary appointment of said office.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 757, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Butler:

H. 758. To amend Section 17-4-153, Code of Alabama 1975, which provides for the compensation of members of the boards of registrars, so as to increase said compensation.

Committee on Ways and Means.

By Rep. Mathis:

H. 759. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,500 pounds or greater, may be made without the requirement of competitive bids being taken.

Committee on State Administration.

By Rep. Hettinger:

H. 760. Relating to hospital indigent care; levying a hospital bed tax to provide for hospital indigent care; providing for the collection of such tax; and establishing and providing for the Hospital Indigent Care Fund Commission.

Committee on Ways and Means.

By Reps. Butler, Brooks, Hettinger, and Albright (With Notice and Proof):

H. 761. Relating to Madison County; amending Act No. 951, H. 2010, 1973 Regular Session, (Acts 1973, p. 1459) which provides for the meeting days of the board of registrars, so as to increase said days.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 761, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Butler, Brooks, and Hettinger (With Notice and Proof):

H. 762. Relating to Madison County; providing further for the compensation of the directors and officers of the airport authority.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 762, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Payne:

H. 763. Relating to sales representatives; requiring written contracts between sales representatives and principals when commissions are involved; requiring the principal to furnish the representative with a signed copy of the contract; providing for the payment of commissions upon termination of certain agreements; providing for civil damages; providing an effective date.

Committee on State Administration.

By Rep. White (L):

H. 764. To amend Code Section 22-6-4.2 of the Code of Alabama 1975, relating to copayment for prescription drugs, so as to conform state law to the requirements of the medicaid provisions of Public Law 97-248, enacted by the 97th Congress of the United States of America and known as the Tax Equity and Fiscal Responsibility Act of 1982.

Committee on Health.

By Rep. White (L):

H. 765. To empower the Utilization Review Committee of the State Medicaid Agency with the authority to impose civil monetary penalties on medicaid providers who violate medicaid rules.

Committee on Health.

By Rep. White (L):

H. 766. To amend Section 22-6-8 of the Code of Alabama 1975, relating to medicaid benefits, so as to provide further for the authority of the utilization review committee relative to suspension, revocation and reinstatement of recipient's benefits.

Committee on Health.

By Rep. White (L):

H. 767. To amend Section 13A-10-10 of the Code of Alabama 1975, relating to the crime of impersonating a public servant, so as to further define said crime and to increase the penalties for violation.

Committee on Health.

By Rep. Coburn:

H. 768. To provide that certain county officers and employees who belong to the state retirement system, who are deemed blind, shall be entitled to a minimum retirement benefit allowance.

Committee on Ways and Means.

By Reps. Campbell and Drake:

H. 769. To amend Section 35-4-6, Code of Alabama 1975, which provides for recordation of leasehold estates for more than 20 years, so as to provide further for the recordation of said leases.

Committee on Judiciary.

By Rep. Holley (With Notice and Proof):

H. 770. To approve the proposal of the City Council of the City of Enterprise in Coffee County to increase the rate at which ad valorem tax is levied in such city pursuant to Amendment No. 373 to the Constitution of Alabama of 1901.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 770, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Johnson (Roy):

H. 771. To amend the title and Sections 2(a) and 9 of Act 81-655, 1981 Regular Session, relating to the levy and collection of sales taxes on the sale of any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale in this state from any person, firm or corporation not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers or house trailers within this state.

Committee on Ways and Means.

By Rep. Holley (With Notice and Proof):

H. 772. Relating to Coffee County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county at the end of the current term or when a vacancy occurs in the office; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 772, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Holley (With Notice and Proof):

H. 773. Relating to Coffee County; providing for a supplement to the

compensation of the circuit clerk in Coffee County beginning October 1, 1985, and payable from the general fund of the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 773, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Holley (With Notice and Proof):

H. 774. Relating to Coffee County; providing further for the compensation of the sheriff.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 774, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Holley (With Notice and Proof):

H. 775. Relating to Coffee County; providing for an expense allowance payable from the general fund of the county treasury for the probate judge; and providing further for the compensation of such official.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 775, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

The following resolution was introduced:

By Rep. Zoghby:

H. J. R. 216. AMENDING ACT NO. 83-339, S. J. R. 47, 1983 REGULAR SESSION WHICH CREATED A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ARTS AND HUMANITIES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 83-339, S. J. R. 47, 1983 Regular Session, is hereby amended to read as follows, viz:

WHEREAS, the Legislature of Alabama notes that there is a growing recognition among Alabama citizens that the performing, visual and literary arts are important to the quality of life of every person, the cultural environment of our communities, the vitality of our cities and to the developing economy of the state; and

WHEREAS, citizen demand for arts experiences has generated public and private support for the arts, creating a beneficial cultural and economic impact on the state; and

WHEREAS, a 1981 statewide study has revealed great citizen interest in incorporating arts into the regular curriculum of our public schools; and

WHEREAS, a 1982 study has revealed the arts to be of great economic impact providing millions of dollars in revenue and providing many jobs; and

WHEREAS, the 1982 Regular Session of the Alabama Legislature passed legislation permitting Alabama taxpayers to designate a portion of their refund to the Arts Development Fund; now therefore,

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on the Arts and Humanities, to meet and to report to the Legislature by the fifth legislative day of the 1986 Regular Session on the state of the Arts and Humanities as investigated by the Committee. Upon request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as the Committee's work may require. The Committee shall be composed of the two members from both houses who currently serve on the Arts Task Force of the National Council of State Legislatures and three other committee members from each house to be appointed by the Lieutenant Governor and the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be ex officio members of the Committee.

"The purpose of this interim committee shall be to study the matter set forth below and such other matters as it may deem appropriate to improve the environment of the state through the encouragement and expansion of the arts. Those specific matters shall be:

- "1. The appropriate level of state support for the arts;
- "2. The level of demand for the arts;
- "3. Methods to promote demand for the arts to increase employment for artists and income for arts organizations;
- "4. The place of arts in education;
- "5. The role of government in supporting the arts versus the role of the private sector;
- "6. The involvement of minorities in the arts;
- "7. The need for interim, standing or joint committees on the arts;
- "8. Alternate approaches to supporting the arts;
- "9. The use of public buildings in non-peak hours for arts activities;
- "10. The need for art in public places;
- "11. The availability and accessibility of the arts to all citizens.

"BE IT FURTHER RESOLVED, That the Interim Committee will study in general the way that public dollars are being invested in the arts so that these monies are multiplied as significantly as possible; and that the final report of the Committee, along with findings and recommendations, shall be submitted to each member of the Legislature no later than the fifth Legislative day of the 1986 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which

shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed \$10,000.00

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 216, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Junkins and Bugg:

H. R. 217. MOURNING THE DEATH OF DOCTOR J. D. BUSH OF GADSDEN, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 218. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, April 10, 1984, we adjourn to meet again on Thursday, April 12, 1984 at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 218, was adopted.

NOTICE IN WRITING

Rep. Biddle filed the following Notice in Writing:

Mr. Speaker:

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend House Rule 31a as follows:

Rule 31a. Any bill providing for or dealing with pari-mutuel betting and any bill providing for or dealing with hazardous waste shall be treated as a general bill.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Nicholson and Brakefield:

H. R. 219. COMMENDING THE HIGHWAY 78 CLEAN-UP.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 196. WISHING MRS. MILDRED GRIFFEN A SPEEDY RECOVERY.

Also:

H. J. R. 203. COMMENDING ST. PETER'S CATHOLIC CHURCH, MONTGOMERY, ALABAMA, ON THE OCCASION OF ITS SESQUICENTENNIAL, FOR ITS OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY AND STATE.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Nicholson and Brakefield:

H. J. R. 220. MOURNING THE DEATH OF MR. MARSHEL JOHNSON, JUNIOR, OF JASPER, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Mr. Marshel Johnson, Junior, of Jasper, Alabama, on October 26, 1983, at the early age of just 46 years; and

WHEREAS, Mr. Johnson's untimely death was the result of a tragic accident which occurred in the line of duty as a longtime employee of the Alabama Power Company; and

WHEREAS, Mr. Johnson, at the time of his death, had been a member of IBEW, Local 833, for sixteen years; he also attended the First Church of the Nazarene in Jasper where he was faithful both in service and in worship; and

WHEREAS, the death of Marshel Johnson, Junior, has indeed left a deep void in the hearts of all those whose lives he touched with joy, laughter and love; his optimism and love of life were among the many attributes for which he was held dear by his family and throughout the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are sorely grieved by the death of Mr. Marshel Johnson, Junior, of Jasper, Alabama; we further extend heartfelt sympathy to his beloved wife, Mrs. Polly Kimbrell Johnson, and to their daughters, Kim and Kelli, whose loss we truly share and to whom a copy of this resolution shall be sent.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 220, was adopted.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 221. COMMENDING DILWORTH COMMUNITY ON GROUNDBREAKING FOR NEW CENTER.

WHEREAS, the Legislature of the State of Alabama has noted with great pride the groundbreaking ceremony for the Dilworth Community Center on March 6, 1984; and

WHEREAS, the Dilworth Community Center represents a valuable asset to the Dilworth Community and will benefit many citizens; and

WHEREAS, Building Committee members John Watson, Lawson Rice, Melba Presser, Joe Eldon, Lecil Ballenger, Larry Newcomb, Eddie Williams, Kenneth Mitchell, Virgil Aycock, and Sam Williams as well as the countless other citizens who have held yard sales, raised money and have otherwise contributed their efforts and resources toward making this center a reality are due to be commended for their actions; and

WHEREAS, the Dilworth Community serves as shining example to all citizens of the State of Alabama of true citizenship and community involvement and shows us all what a community can do for itself.

BE IT THEREFORE RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the citizens of the Dilworth Community for their actions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Dilworth Community so that they may know of our high regard.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 221, was adopted.

Also:

By Rep. Browder:

H. J. R. 222. COMMENDING COACH VAN DEERMAN ON HIS OUTSTANDING CAREER AS COACH AND EDUCATOR AT JACKSONVILLE HIGH SCHOOL.

WHEREAS, the announced retirement of Basketball Coach Van Deerman, at the end of the current school year, brings to a close an outstanding career as coach and teacher of some 33 years; and

WHEREAS, Coach Deerman, who retires with a laudable career record of 545-283, also ends his tenure with the distinction of having worked 25 years at Jacksonville High School which is longer than any other basketball coach in Alabama has remained at one school; and

WHEREAS, it is further to be most commendably noted that during his association with JHS, Coach Deerman's Golden Eagles have been consistent winners, averaging 18 victories a season, and he has experienced only two losing season records during his entire career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Van Deerman of Jacksonville, Alabama, on his accomplished career as a high school coach and teacher.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Deerman that he may know of our sincere warm praise and regard, and of our best wishes for every future success and happiness in retirement.

On motion of Rep. Browder, the rules were suspended and the resolution, H. J. R. 222, was adopted.

Also:

By Rep. Browder:

H. J. R. 223. COMMENDING JACKSONVILLE STATE UNIVERSITY WOMEN'S AND MEN'S GYMNASTICS TEAM.

WHEREAS, the Legislature of Alabama, justifiably proud, notes another National Title for the State of Alabama and the first ever for Jacksonville State University; and

WHEREAS, in the recent National meet in Springfield, Massachusetts, JSU's Women Gymnasts captured the NCAA Division II National Championship following inspired performances and tremendous team effort on the part of the lady Gamecocks; and

WHEREAS, also ranking nationally was Jacksonville State's Men's Gymnastics Team which won third place honors, also during the Springfield Meet; and

WHEREAS, it is further to be noted that six members of the two JSU teams earned All-America status—Tracey Bussey, Marilyn Hanssler, Jennifer McFarland, Le Hair, Kenny Moore, Clyde Moreland and David Oak; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Coach Robert Dillard and his JSU Women's Gymnastics Team, National Champions, as well as Coach Tom Cockley and the Men's Gymnastics Team, for their personal extraordinary accomplishment and for the fame and honor they have brought home to their university and to the entire State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for appropriate presentation and display at Jacksonville State University.

On motion of Rep. Browder, the rules were suspended and the resolution, H. J. R. 223, was adopted.

H. 566 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 566, from the Standing Committee on Local Government to the Standing Committee on Health.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Payne:

H. J. R. 224. COMMENDING HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLER TIM MINOR.

WHEREAS, as a Hewitt-Trussville wrestler, Tim Minor's overall high school wrestling record is 121-5; and

WHEREAS, Tim Minor, during his high school career, has won fifteen major tournaments and is a three-time State Champion; and

WHEREAS, his record for 1983-84 was 35-0, and he ended the season by becoming the 3-time State Champion at 185 pounds; he also won the

Minor, Benjamin Russell, Hewitt and Berry Invitational wrestling tournaments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Hewitt-Trussville Wrestler Tim Minor for outstanding team contributions and for his extraordinary personal accomplishments as well.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to three-time State Champion Tim Minor with our sincere best wishes for every future success.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 224, was adopted.

Also:

By Rep. Payne:

H. J. R. 225. COMMENDING THE HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLING TEAM.

WHEREAS, the Alabama Legislature notes with highest commendation the outstanding accomplishments of the 1983-84 Hewitt-Trussville High School Wrestling Team; and

WHEREAS, the Hewitt-Trussville team, which went 12-1 during the regular season, also finished first at the Berry Invitational as well as second at both the Benjamin Russell and Hewitt Invitationals; and

WHEREAS, the Hewitt-Trussville wrestlers further ended the season by finishing second to Robert E. Lee High School in the State Tournament by a score of 129 to 128 and $\frac{1}{2}$; and

WHEREAS, under Hewitt-Trussville Coach Ronnie Page, State Place finishers in their respective weight classes were Tim Minor and Ricky Everett—1st; Jimmy Pyle—2nd; Charles Cutcliff—3rd; Jimmy McIntyre—4th; and Mike Pitts—5th; and

WHEREAS, other members of the 1983-84 team include Todd Strong, Chris Calma, Shane Black, Kenny Kirkes and Terry Minor; Allen Friday serves as team manager; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Coach Ronnie Page and the entire Hewitt-Trussville High School Wrestling Team for outstanding accomplishment.

BE IT FURTHER RESOLVED, That in token of our sincere praise and regard, copies of this resolution shall be provided for Hewitt-Trussville High School.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 225, was adopted.

Also:

By Rep. Burke:

H. J. R. 226. DESIGNATING JUNE 4-9, 1984, AS "‘ALABAMA’ WEEK" IN THE STATE OF ALABAMA.

WHEREAS, On June 9, 1984, Alabama's Third Annual "June Jam" will be held in Fort Payne, Alabama; and

WHEREAS, "June Jam," which was organized and is sponsored by the musical group "Alabama," has netted during its two previous concerts some \$525,000.00 donated to charities in the State of Alabama; and

WHEREAS, in addition to performances by "Alabama" the '84 June Jam will also feature, among others, such famous personalities as Janie Fricke and Lee Greenwood; and

WHEREAS, the group "Alabama" has indeed focused the spotlight of the world on our State, in honor and prestige, and the members have greatly contributed to their fellow Alabamians, not only through the unselfish and dedicated sharing of their time and talent, but through personal and generous financial support as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in small token of sincere gratitude, admiration and regard, and in coincidence with "Alabama's" third annual "June Jam" in Fort Payne, we hereby designate the Week of June 4-9, 1984, as "'Alabama' Week" in the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Messrs. Randy Owen, Jeff Cook, Teddy Gentry, and Mark Herndon of "Alabama" as a memento of this honorary designation of the Legislature.

On motion of Rep. Burke, the rules were suspended and the resolution, H. J. R. 226, was adopted.

BILLS ON THIRD READING

And the bill:

H. 116. Relating to Mobile County; to provide for a referendum election to determine whether the Mobile County Commission shall provide for a leash law in the unincorporated areas of the county; to empower the county commission to adopt and enforce such leash law contingent upon such referendum approval by the qualified electors of the county and to provide that the county commission may contract with an incorporated municipality in the county for enforcement of such law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Black, Box, Brooks, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (J), Coburn, Crow, Dutton, Gaston, Grayson, Hall, Harper, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mikell, Moore, Newman, Nicholson, Parker, Rains, Richardson, Sasser, Starkey, Starr, Thomas, Turner, Turnham, White (F), White (L) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 119. Relating to Mobile County; authorizing the judge of probate to sell lists of voters to certain candidates and providing for the disposition of funds from said sales.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Bachus, Black, Blake, Box, Brooks, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Dutton, Flowers, Fuller, Gaston, Goodwin, Grayson, Hall, Harper, Hettinger, Hooper, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Lauderdale, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Reed, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Turner, Warren, White (F), White (G), White (L) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 299. Prescribing certain procedures to be implemented by the Mobile County board of registrars when reidentifying voters or changing their addresses and providing for supplemental effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Dutton, Flowers, Fuller, Gaston, Goodwin, Grayson, Hall, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Reed, Richardson, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Warren, White (F), White (G), White (L) and Zoghby.

—57

And the bill:

H. 302. (With Amendment): To amend section 2 of Act No. 181, H. 117, Regular Session 1957, (Acts 1957, p. 233), relating to Mobile County governing body, so as to require that each candidate for county commissioner must have resided within the district for which he qualifies a certain minimum period, and each county commissioner must reside within the respective district he represents during the term of office or forfeit the job.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend House Bill 302, page 1, Section 2, line 26 after the word "the" by adding the following word:

entire

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Harper, Hettinger, Holmes, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Reed, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Venable, White (F), White (G), White (L) and Zoghby.

—59

And the bill, H. 302, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Harper, Hettinger, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, McNair, Marietta, Mitchell, Moore, Newman, Nicholson, Parker, Reed, Richardson, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Warren, White (F), White (G), and Zoghby.

—60

And the bill:

H. 303. To amend Section 1 of Act No. 82-374, H. 727, 1982 Regular Session of the Legislature (Acts 1982, p. 549), which act relates to the Mobile County board of registrars, so as to provide further for the meeting dates of such board for voter registration and voter reidentification purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Box, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Carter, Clark (D), Clark (W), Coburn, Crow, Dutton, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Harper, Hettinger, Hooper, Horn, Johnson (R.G.), Junkins,

Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Rains, Reed, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Turner, Warren, White (F), White (G) and Zoghby.

—57

And the bill:

H. 311. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, page 298), which creates and establishes the County-wide Civil Service System in Mobile County, as amended by Act No. 684, H. 594 of the Regular Session of 1976 (Acts of Alabama 1976, page 939), so as to delete the Presiding Judge of the Circuit Court and the Presiding Judge of the Court of General Sessions as members of the Supervisory Committee of the Mobile County Personnel Board, and to provide for the election of a Chairman of the said Supervisory Committee.

Was taken up.

SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the bill, H. 311:

A BILL
TO BE ENTITLED
AN ACT

To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, page 298), which creates and establishes the County-wide Civil Service System in Mobile County, as amended by Act No. 684, H. 594 of the Regular Session of 1976 (Acts of Alabama 1976, page 939), so as to delete the Presiding Judge of the Circuit Court and the Presiding Judge of the District Court, automatic members of the Supervisory Committee of the Mobile County Personnel Board, and to provide for the election of a Chairman of the said Supervisory Committee.

Be It Enacted by the Legislature of Alabama:

Section 1. Section V(b)(1) of Act No. 470, H. 952 of the Regular Session of 1939 (Local Acts 1939, page 298) which creates and establishes the County-wide Civil Service System in Mobile County, Alabama, as amended by Act No. 684, H. 594 of the Regular Session of 1976, is hereby further amended to read as follows:

“(Section V. (b) The Supervisory Committee of the Mobile County Personnel Board shall be composed of the following:

“1. The persons holding each of the following elective offices in Mobile County, Alabama, namely, the Judge of Probate, the Tax Assessor, the Tax Collector, the County License Commissioner, the Chairman of the Mobile County Commission, the Sheriff of Mobile County, and the Mayor of each of the incorporated towns and cities of Mobile County. In addition, the Presiding Judge of the Circuit Court and the Presiding Judge of the District Court shall serve as members or shall appoint another Judge as member should he or she so elect.”

Section 2. Section V (d) of Act No. 470, H. 952 of the Regular Session of 1939 (Local Acts 1939, page 298) which creates and establishes the County-wide Civil Service System, Mobile County, Alabama, as amended by

Act No. 684, H. 594 of the Regular Session of 1976, is hereby further amended to read as follows:

“(d) The Supervisory Committee shall elect a Chairman, who need not be a member of the Supervisory Committee, and who shall be entitled to vote only in case of a tie. If the Chairman is a member of the Supervisory Committee, he shall be entitled to vote as a member of the committee and, in addition, to break a tie vote. The Chairman shall pass upon the credentials and right of each person to sit thereon. He shall be the sole judge of the number of votes a member of the Committee shall have as provided for in Subsection (c) above. The Chairman shall call the first organizational meeting of the Supervisory Committee hereby created as soon as practicable after this Act becomes effective. In his call, he shall specify the date and hour of the meeting and designate the place thereof, and shall mail a copy thereof to each member of the Committee. At its first meeting, the Committee shall adopt such rules, regulations and modes of procedure as it deems expedient to enable it to dispatch its business in an orderly manner, and thereafter, from time to time, the Committee may amend or rescind such rules, regulations and modes of procedure or adopt additional ones. In addition to the organizational meeting hereby prescribed, the Committee shall meet on the 1st Tuesday in March of each year, unless such day is a legal holiday, in which event the annual meeting of the Committee shall be held on the day following the legal holiday. In addition to these meetings, the Committee may hold special meetings on the call of the Chairman or any seven members thereof. All meetings of the Committee shall be held at the County Courthouse or some other public place designated by the Chairman. Notice shall be given of all meetings and shall be signed by the person or persons calling such meeting and shall state briefly the purposes of the meeting; shall be mailed to each person registered as a member of the committee or known to be such, and shall also be published once each day for three consecutive days immediately preceding such meeting in some daily newspaper published in Mobile County. Notice of the annual meeting shall be given in like manner, but failure of any member to receive notice by mail of any such meeting, either annual or special, shall not invalidate it. Provided that at any regular or special meeting of the Committee a day may be set for the next meeting of said Committee and in this event no further notice of such meeting shall be required. A majority of the persons then serving as members of the Committee shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by rules and regulations of the Committee. The Supervisory Committee shall serve without compensation.”

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with the act are hereby expressly repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (W), Coburn, Crow, Dutton, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Harper, Hettinger, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turner, Warren, White (F), White (G) and Zoghby.

—59

And the bill:

H. 311. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, page 298), which creates and establishes the County-wide Civil Service System in Mobile County, as amended by Act No. 684, H. 594 of the Regular Session of 1976 (Acts of Alabama 1976, page 939), so as to delete the Presiding Judge of the Circuit Court and the Presiding Judge of the District Court, automatic members of the Supervisory Committee of the Mobile County Personnel Board, and to provide for the election of a Chairman of the said Supervisory Committee.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (W), Coburn, Crow, Dutton, Flowers, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Harper, Hettinger, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Mitchell, Newman, Nicholson, Onderdonk, Parker, Reed, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—57

And the bill:

H. 383. To allow the Mobile County Commission, at their discretion, to grant an expense allowance to the Circuit Clerk and the Circuit Register of the Thirteenth Judicial Circuit, Mobile County, Alabama, beginning in 1984.

Was taken up.

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 383:

Amend H. B. 383, page 1, line 15 after the word "Clerk" by adding the following:

, the County Administrator of Estates

Further amend H. B. 383, page 1, line 19 after the word "Clerk" by adding the following:

, the County Administrator of Estates

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (W), Crow, Davis, Flowers, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Harper, Hettinger, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Reed, Richardson, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, White (F), White (G) and Zoghby.

—58

And the bill:

H. 383. To allow the Mobile County Commission, at their discretion, to grant an expense allowance to the Circuit Clerk, the County Administrator of Estates and the Circuit Register of the Thirteenth Judicial Circuit, Mobile County, Alabama, beginning in 1984.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (W), Crow, Davis, Flowers, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Harper, Hettinger, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Reed, Richardson, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, White (F), White (G) and Zoghby.

—58

And the bill:

H. 662. An Act relating to Geneva County providing that the Geneva County governing body shall supplement the salary of the District Judge from the County General Fund in the amount of \$3,600.00 per annum.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Bachus, Black, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Clark (D), Clark (W), Crow, Dutton, Faulk, Flowers, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hall, Harper, Hettinger, Hooper, Horn, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Newman, Onderdonk, Parker, Penry, Rains, Reed, Rice,

Richardson, Seibels, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—54

And the bill:

H. 237. (With Substitute) (With Amendment): Relating to Mobile County; to provide further for the disposition and use of the funds received by Mobile County under the provisions of Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, providing for the levy of a privilege tax on the production of oil and gas; and to specifically repeal Act No. 870, H. 1517, Regular Session 1975 (Acts 1975, p. 1714), providing further for the disposition and use of a certain portion of the funds received by Mobile County from an oil and gas severance tax, and all other laws or parts of laws in conflict herewith.

Was taken up.

SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the bill, H. 237, and to the pending substitute and amendment reported by the Standing Committee on Local Legislation No. 3:

Relating to Mobile County; to provide further for the disposition and use of the funds received by Mobile County under the provisions of Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, providing for the levy of a privilege tax on the production of oil and gas; and to specifically repeal Act No. 870, H. 1517, Regular Session 1975 (Acts 1975, p. 1714), providing further for the disposition and use of a certain portion of the funds received by Mobile County from an oil and gas severance tax, and all other laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Mobile County shall distribute and pay all funds received by Mobile County under the provisions of Section 40-20-8(a), Code of Alabama 1975, as amended, as follows:

(a) Ninety-five percent (95%) to the County Commission of Mobile County to be used for county purposes; and

(b) Five percent (5%) to be used at the discretion of the Mobile County Commission to financially assist organizations within the county which are members of the Mobile County Volunteer Fire and Rescue Squads, rescue squads which are members of the Alabama State Rescue Squad Association, organizations within the county which exist to provide community or neighborhood protection in the form of community watches, patrols and clubs, and organizations which are members of the Mobile Arts Council, Incorporated; provided, that any funds distributed under this subsection (b) and not used at the end of the fiscal year ending September 30 each year shall be used by the County Commission of Mobile County for county purposes.

Section 2. The County Commission of Mobile County shall distribute and pay in twelve monthly installments all funds received by Mobile County under the provisions of Section 40-20-8, Code of Alabama 1975, as amended, and which are not otherwise provided for under the provisions of Section 1 of this act, as follows:

(a) Eight percent (8%) to the Mobile County Board of Health which shall be used exclusively for general health within the county;

(b) Eight percent (8%) to the Mobile County Board of Education which shall be used exclusively for public school purposes within the county;

(c) Forty-two percent (42%) to the Mobile County Indigent Care Board which shall be used for the medical care and treatment of medically indigent citizens of the county and under the provisions of Act No. 83-501, Regular Session 1983 (Acts 1983, p. 704);

(d) Forty-two percent (42%) to the County Commission of Mobile County to be used for county purposes.

Section 3. Act No. 870, H. 1517, Regular Session 1975 (Acts 1975, p. 1714) and all other laws or parts of laws in conflict with the provisions of this act are hereby specifically repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective on the first day of the month following its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Faulk, Fuller, Gaston, Goodwin, Gray, Grimsley, Hall, Harper, Hettinger, Hooper, Horn, Johnson (Roy), Kvalheim, Lauderdale, Mathis, Moore, Newman, Nicholson, Parker, Penry, Reed, Rice, Richardson, Seibels, Spratt, Starkey, Tanner, Turner, Turnham, White (F), White (G) and White (L).

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Marietta offered the following amendment to the bill, H. 237 as amended:

Amend Substitute to House Bill 237 on page 2, line 6, by inserting the following before the word "and":

"organizations within the county which provide community or neighborhood protection in the form of community watches, patrols and clubs,"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Gray, Grayson, Grimsley, Hall, Harper, Hettinger, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Reed, Richardson, Seibels, Spratt, Starkey, Tanner, Turner, Turnham, Warren, White (F), White (L) and Zoghby.

—53

And the bill, H. 237, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grimsley, Hall, Harper, Hettinger, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Newman, Nicholson, Onderdonk, Parker, Penry, Richardson, Seibels, Spratt, Starkey, Tanner, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—54

And the bill:

H. 603. Relating to Mobile County; requiring the county governing body to pay from the county general fund, or any fund designated for roads or bridges, the expense of relocating certain water pipes and lines, owned by rural water or municipal water systems when outside of the municipalities' police jurisdiction, as a result of certain public roads maintenance, construction, bridge repair or replacement; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Clark (D), Clark (W), Davis, Dutton, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hall, Harper, Hettinger, Hooper, Horn, Kennedy, Kvalheim, Lauderdale, Newman, Nicholson, Onderdonk, Parker, Richardson, Seibels, Spratt, Starkey, Tanner, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 605. Relating to Mobile County; providing for a singular appropriation, in addition to any and all other appropriations, to the City of Mobile

Reception Room Committee for furnishing the Mobile City Hall reception room, from funds received by the county for the City of Mobile, for the fiscal year ending September 30, 1984, from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Davis, Dutton, Escott, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Harper, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Moore, Newman, Onderdonk, Parker, Richardson, Seibels, Smith, Spratt, Starkey, Tanner, Turner, Turnham, Warren, White (F), White (L) and Zoghby.

—54

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 610. (With Amendment): Relating to Mobile County; providing for the compensation and payment of salary of the members of the county governing body.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H.B. 610, page 1, Section 1, lines 22 and 23 after the word "exceed" by striking the following:

~~thirty-nine thousand, nine hundred- (39,000.00)-~~

and insert in lieu thereof the following:

thirty-five thousand (\$35,000.00)

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (W), Crow, Davis, Dutton, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Mathis, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Richardson,

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Rogers, Smith, Spratt, Starkey, Tanner, Turner, Warren, White (G), White (L) and Zoghby.

—57

And the bill, H. 610, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Beers, Black, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (W), Crow, Davis, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Mathis, Moore, Newman, Nicholson, Parker, Penry, Richardson, Seibels, Smith, Spratt, Starkey, Tanner, Turner, White (F), White (G), White (L) and Zoghby.

—57

And the bill:

H. 655. Relating to Mobile County; exempting all real and personal property owned and used by the Mobile Area Chamber of Commerce Foundation, Incorporated, from county ad valorem taxation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Carter, Clark (D), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Faulk, Gaston, Goodwin, Gray, Grimsley, Hall, Hammett, Harper, Hettinger, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Parker, Penry, Poole, Richardson, Rogers, Seibels, Spratt, Starkey, Starr, Tanner, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—59

And the bill:

H. 548. (With Amendment): Relating to Mobile County; exempting all real and personal property owned and used as community centers, ball parks and recreational facilities by nonprofit businesses and corporations from all county ad valorem taxation.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 548, page 1, Section 1, line 19 after the words "ball parks" by adding the following:

, the Mobile Exploream

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Black, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Marietta, Mathis, Melton, Moore, Newman, Nicholson, Parker, Penry, Poole, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Tanner, Thomas, Turner, White (F), White (G) and Zoghby.

—55

And the bill, H. 548, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (W), Crow, Davis, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Melton, Moore, Newman, Nicholson, Parker, Penry, Poole, Rains, Richardson, Seibels, Spratt, Starkey, Tanner, Thomas, Turner, Venable, White (F), White (L) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 664. Relating to Escambia County; to provide that Four Million Dollars (\$4,000,000.00) of the proceeds of the oil and gas severance tax paid to Escambia County, Alabama under provisions of Section 40-20-8, Code of Alabama, 1975, as amended, during the fiscal year 1983-84 together with twenty percent (20%) of the annual income thereon each year thereafter beginning with the fiscal year 1984-85 shall become the corpus of a trust and remain the corpus of said trust for a period of twenty years; to provide for the appointment of trustees of the trust; to provide for the investment of the corpus of the trust for the payment of eighty percent (80%) of the investment income thereon into the general fund of Escambia County; and to provide that the provisions of this Act shall terminate twenty years from the date of its enactment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark

(W), Crow, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Hammett, Hettinger, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, Mikell, Moore, Newman, Nicholson, Parker, Penry, Poole, Rains, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—61

And the bill:

H. 635. Relating to Walker County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment, supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the Walker County legislative delegation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (W), Coburn, Crow, Escott, Flowers, Gaston, Goodwin, Gray, Hall, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, Moore, Newman, Nicholson, Parker, Penry, Poole, Richardson, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—56

And the bill:

H. 636. Relating to Walker County; providing an additional expense allowance for the coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beers, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Escott, Flowers, Gaston, Goodwin, Gray, Grayson, Grimsley, Hall, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, Mikell, Moore, Newman, Nicholson, Parker, Penry, Poole, Rains, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, White (F), White (G), White (L) and Zoghby.

—55

And the bill:

H. 658. Relating to Blount County; to repeal Act No. 214, H. 635, Regular Session 1976 (Acts 1976, p. 229), entitled "To permit hunting of deer with dogs in all counties having a population of not less than 26,725 nor more than 27,250 according to the most recent or any subsequent federal decennial census."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Beers, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Hall, Hammett, Harvey, Hettinger, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Parker, Penry, Poole, Rains, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, White (F), White (G), White (L) and Zoghby.

—58

And the bill:

H. 674. Relating to Jackson County; providing for an appropriation for the relief of Mr. Willie Dean Mount and providing for a retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Reps.: Adams, Beers, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Hettinger, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, Melton, Mikell, Newman, Nicholson, Parker, Penry, Poole, Rains, Rogers, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Venable, White (F), White (L) and Zoghby.

—56

RESOLUTIONS

The following resolution was introduced:

By Reps. McKee, Starr, Mikell, Hooper, Buskey (John), and Holmes:

H. J. R. 227. COMMENDING RHUBARB JONES OF MONTGOMERY, ALABAMA, NATIONAL DISC JOCKEY OF THE YEAR.

WHEREAS, the Legislature of Alabama notes with highest commendation the selection of Rhubarb Jones of WLWI-Radio, Montgomery, Alabama, as National Disc Jockey of the Year, a prestigious designation of the Academy of Country Music; and

WHEREAS, in 1983, Mr. Jones also was accorded national honor when he received the Disc Jockey of the Year Award of the Country Music Association and was introduced on the nationally televised Country Music Awards Show; and

WHEREAS, Mr. Jones is indeed to be congratulated for extraordinary achievement in his field; long a popular Montgomery radio personality, his talent has exceeded local and regional bounds to become acknowledged countrywide; and

WHEREAS, once again, the citizens of Alabama may take personal pride in the introduction to the nation of Montgomery's own Rhubarb Jones on May 14, 1984, during televised awards presentations in Los Angeles, California; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Rhubarb Jones of Montgomery, Alabama, and WLWI-Radio, for outstanding achievement; we further direct that he receive a copy of this resolution in small token of our sincere warm praise and esteem.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 227, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Butler, Grayson, Hall, Albright, Hettinger and Brooks:

H. R. 228. COMMENDING MR. AND MRS. GEORGE HARRIS AND THE HARRIS HOME ON THE 30TH ANNIVERSARY OF THE INSTITUTION'S ESTABLISHMENT.

Also:

By Rep. Carothers:

H. R. 229. EXPRESSING APPRECIATION TO DOTHAN OIL MILL.

Also:

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 230. WHEREAS, more than ten million young Americans are participating in cocurricular activities in secondary schools across the nation; and

WHEREAS, these activities, which include student government, speech, debate, music, journalism, science, and mathematics clubs, academic, vocational, and other student organizations, contribute greatly to developing leadership qualities in our youth; and

WHEREAS, these students will be our Nation's future leaders; and

WHEREAS, it is in the national interest to promote increased emphasis in our students' well-rounded education, which includes a rigorous academic experience and successful leadership experiences in the school setting; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of April 23-27, 1984, is designated as "Alabama Student Leadership Week" and the Governor of the State of Alabama is authorized and requested to issue a proclamation calling upon the citizens of the State of Alabama, local government officials, and interested groups to observe that week by engaging in appropriate ceremonies, activities, and programs, thereby demonstrating their support for our students' overall education.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 230, was adopted.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Turner offered the motion to reconsider the vote by which the bill, H. 237 as amended, was passed, and the motion to reconsider was adopted.

And the bill:

H. 237. Relating to Mobile County; to provide further for the disposition and use of the funds received by Mobile County under the provisions of Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, providing for the levy of a privilege tax on the production of oil and gas; and to specifically repeal Act No. 870, H. 1517, Regular Session 1975 (Acts 1975, p. 1714), providing further for the disposition and use of a certain portion of the funds received by Mobile County from an oil and gas severance tax, and all other laws or parts of laws in conflict herewith.

Was again taken up.

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 237 as amended:

Amend Substitute for H. B. 237, page 2, line 6, after the portion of word "iation" by striking the following language:

~~and organizations which are members of the Mobile Arts Council, Incorporated~~ and inserting the following language:

the Mobile Arts Council, Incorporated and its member organizations

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Black, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Faulk, Ford, Gaston, Gray, Grayson, Grouby, Harper, Hooper, Horn, Junkins, Kvalheim, Lauderdale, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Pool, Preuitt, Seibels, Smith, Spratt, Tanner, Turner, Warren, White (G) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 237 as thus amended, was again read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Davis, Faulk, Gaston, Gray, Grayson, Grouby, Harper, Hettinger, Horn, Kvalheim, Lauderdale, Mathis, Mitchell, Moore, Newman, Parker, Poole, Preuitt, Seibels, Tanner, Turner, White (G) and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 231. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That upon reaching the Calendar and after any unfinished business is disposed of, the following bills in the order named be made the special and paramount order of business for the 17th Legislative Day, April 10, 1984, taking precedence over any other pending Special Orders:

<u>Bill No.</u>	<u>Sponsor</u>	<u>Short Title</u>	<u>Page</u>
H. 670	Browder	Educational reform	157
H. 77	Clark, J.	State Parks; contract extension	55
H. 78	Clark, J.	State Parks; revolving fund	55
H. 219	Carothers	Game & Fish; hunter education	27
H. 198	Carter	Game & Fish; hunting within 100 yds. of highway	26
H. 353	Moore	Board of Adjustment	63
H. 354	Moore	Probate judges; state facilities; mental health evaluations	63
H. 526	Campbell	State social security office under Comptroller	113
H. 224	Zoghby	Destruction of cancelled state warrants	53
H. 305	Zoghby	State warrants; check writing; employees	53
H. 367	Campbell	Codification	43
H. 185	Campbell	Probate Code; amending	5
H. 94	Campbell	Administrative Procedures Act; amending	7
H. 326	Warren	Uniform Certificate of Title & Theft Act, amended	172
H. 51	Biddle	Contractors; resident preference	15
H. 52	Biddle	Contractors; out-of-state	15
H. 171	Adams	Probate offices; fees and charges	57

H. 107	Kennedy	Emergency telephone boxes on interstate	36
H. 671	Buskey, Jas.	Mobile County; County Racing Commission	156
H. 158	White (L)	Leases and lease purchases; expenditures	13
H. 133	Britnell	Sick leave bank on request	54
H. 259	Coleman	Handicapped parking decals	47
H. 325	Johnson, Roy	Circuit clerks & registers, annual salary	159
H. 612	Turnham	Circuit/District Courts; fees	153
H. 657	Harvey	Exemption of property from execution or attachment	175
H. 502	White (L)	State Board of Pharmacy; appeals	112
H. 570	White (L)	State Board of Pharmacy; license fees	120
H. 32	Turner	Full-time firefighters; payroll deductions	49
H. 586	Clark, D.	Veterans Nursing Home operated by V.A. exempt as health care facility	143
H. 328	Tanner	Municipalities; residence requirements	57
H. 446	Adams	Tax assessors, tax collectors; payment of salaries	103
H. 30	Turner	Class 2 municipalities; retirement system	106
H. 21	Laird	Small Business Office of Advocacy	33
H. 624	Smith	Forestry Commission Steering Committee	144
H. 47	Turnham	Uniform Certificate of Title & Antitheft Act; amended	38
H. 411	Johnson, Roy	State Employees Insurance Bd.; membership	78
H. 486	Clark, J.	Timesharing brokers; regulating	68
H. 461	Nicholson	Trust investments	91
H. 500	Mitchell	State Board of Barber Examiners	93
H. 310	Dutton	State archery hunting license provided for	28
H. 585	Turnham	Wastewater treatment	132
H. 215	Onderdonk	Oil/gas severance tax	160
H. 317	Smith	FOP Annuity & Benefit Fund; amended	76
H. 199	White (F)	County constables	31

On motion of Rep. Clark (J), the resolution, H. R. 231, was adopted.

H. 81 TAKEN UP

And the bill:

H. 81. To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6, 32-7-16 and 32-7-23 thereof so as to in-

crease the amount of property damage which must be sustained to require an accident report to be filed and to provide what the term "uninsured motor vehicle" shall include under the uninsured motorist coverage section of the Motor Vehicle Safety-Responsibility Act, increases the amount of payment on judgments necessary to satisfy the requirements of the Motor Vehicle Safety-Responsibility Act, and to increase the minimum amount of liability required under a motor vehicle liability policy under the Motor Vehicle Safety-Responsibility Act.

As amended, which was postponed on the sixteenth legislative day to the seventeenth legislative day, was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Marietta, the motion offered by Rep. Coleman to postpone further consideration of the bill, H. 81 as amended, to the twenty-fifth legislative day, was tabled.

Yeas 51; Nays 45.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Black, Boles, Box, Britnell, Brooks, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Fuller, Gray, Grayson, Hall, Hettinger, Holmes, Horn, Johnson (Roy), Kennedy, Lauderdale, McDowell, Marietta, Martin, Mathis, Melton, Moore, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Reed, Rice, Rogers, Spratt, Starkey, Tanner, Trammell, Venable and Zoghby.

—51

Nays:

Reps.: Beers, Biddle, Blake, Bowling, Brakefield, Browder, Bryant, Burke, Butler, Carothers, Clark (J), Coleman, Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Harper, Harvey, Holley, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, McKee, McMillan, McNair, Newman, Payne, Penry, Preuitt, Richardson, Sasser, Seibels, Smith, Starr, Turner, Turnham, Warren, White (F) and White (L).

—45

MOTION TO POSTPONE TABLED

On motion of Rep. Marietta, the motion offered by Rep. Coleman to postpone further consideration of the bill, H. 81 as amended, to the twenty-sixth legislative day, was tabled.

Yeas 52; Nays 46.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Black, Boles, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Fuller, Gray, Grayson, Hall, Hettinger, Holmes, Horn, Johnson (Roy), Kennedy, Lauderdale, McDowell, Marietta, Martin, Mathis, Melton, Moore, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Reed, Rice, Rogers, Spratt, Starkey, Tanner, Trammell, Venable and Zoghby.

—52

Nays:

Reps.: Beers, Biddle, Blake, Bowling, Brakefield, Browder, Burke, Butler, Carothers, Clark (J), Coleman, Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, McKee, McMillan, McNair, Mikell, Newman, Payne, Penry, Preuitt, Richardson, Sasser, Seibels, Smith, Starr, Turner, Turnham, Warren, White (F), and White (L).

—46

SUBSTITUTE OFFERED

Rep. Coleman offered the following substitute to the bill, H. 81 as amended:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to increase the security required for an automobile or a motor vehicle liability policy while prohibiting duplication and the stacking of such under the uninsured and underinsured motorist coverage and make available underinsured motorist coverage under the Motor Vehicle Safety-Responsibility Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-7-5, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-5. The operator of every motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which damage to the property of any one person, including himself, in excess of \$50.00 ~~\$200.00~~ is sustained, shall within 10 days after such accident report the matter in writing to the director. Such report, the form of which shall be prescribed by the director, shall contain only such information as may be necessary to enable the director to determine whether the requirements for the deposit of security under section 32-7-6 are inapplicable by reason of existence of insurance or other exceptions specified in this chapter. The director may rely upon the accuracy of the information unless and until he has reason to believe that the information is erroneous. If such operator is physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, within 10 days after learning of the accident, make such report. The operator or the owner shall furnish such additional relevant information as the director shall require."

Section 2. Section 32-7-6, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-6. (a) Security required unless evidence of insurance; when security determined. If 20 days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$50.00 ~~\$200.00~~, the director does not have on file evidence satisfactory to him that the person

who would otherwise be required to file security under subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the director shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

“(b) Suspension—The director shall, within 60 days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided that notice of such suspension shall be sent by the director to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security. Where erroneous information is given the director with respect to the matters set forth in subdivision (1), (2) or (3) of subsection (c) of this section, he shall take appropriate action as hereinbefore provided within 60 days after receipt of him of correct information with respect to said matters.

“(c) Exception—This section shall not apply under the conditions stated in Section 32-7-7 nor:

“(1) to such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

“(2) to such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident of an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

“(3) to such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond; and

“(4) to any person qualifying as a self-insurer under section 32-7-34, or to any person operating a motor vehicle for such self-insurer.

“No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state; except, that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, that every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, or not less than ~~\$10,000.00~~ \$15,000.00 because of bodily injury to or death of one person in any one accident and subject to said limit for one person, to a limit of not less than ~~\$20,000.00~~ \$30,000.00 because of bodily injury to or death of two or more persons in

any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$5,000.00 ~~\$10,000.00~~ because of injury to or destruction of property of others in any one accident."

Section 3. Section 32-7-23, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-23. (a) No automobile liability or motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in subsection (c) of section 32-7-6, under provisions approved by the commissioner of insurance for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom; provided, that the named insured shall have the right to reject such coverage; and provided further, that unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy any transfer, replacement, reinstatement, renewal or substitute policy where the named insured had rejected the coverage in connection with the policy previously issued to him by the same insurer.

"(b) The insurer shall also make available upon request of the insured uninsured motorist coverage in limits up to the limits provided in the policy for a loss resulting from liability imposed by law for bodily injury or death.

"The insurer shall also make available upon request of the insured underinsured motorist coverage in limits up to the limits provided in the policy for uninsured motorist coverage. Underinsured motorist coverage provides coverage for damage for bodily injury or death which an insured is legally entitled to collect from the owner or driver of an underinsured motor vehicle. An underinsured motor vehicle is a land motor vehicle, the ownership, maintenance, or use of which is insured or bonded for bodily injury or death at the time of the accident, but the limits of liability for bodily injury or death under such insurance or bonds are:

"(i) Less than the limits for underinsured motorist coverage under the insured's policy; or

"(ii) Reduced by payments to persons other than an insured in the accident to less than the limits of underinsured motorist coverage under the insured's policy. The maximum liability of the insurer under the underinsured motorist coverage provided shall be the lesser of;

"(a) The difference between the limit of underinsured motorist coverage and the amount paid to the insured by or for any person or organization who may be held legally liable for the bodily injury; or

"(b) The amount of damages sustained, but not recovered. The insurer shall have the option of combining uninsured and underinsured motorist coverages into one coverage.

"The coverage provided under this section shall not duplicate the benefits available to an insured under any workmen's compensation law, disability benefits law, or any similar law, under any automobile liability or automobile medical expenses coverages, automobile death and dismemberment coverages or disability coverages under an automobile insurance policy, or

from the owner or operator of the uninsured motor vehicle or any other person or organization jointly or severally liable together with such owner or operator for the accident. Nor shall the coverage provided under this section increase the benefits under all available workmen's compensation and automobile insurance coverages to an aggregate amount exceeding the limits set forth in Section 32-7-6 or the policy if higher, in which event, only the policy on the vehicle involved, or if the insured is struck while a pedestrian, the highest limit of any one insured vehicle, shall apply."

Section 4. It is the intent of the legislature that the provisions of this act be not severable. If any paragraph, sentence, clause, provision or section be held to be unconstitutional, invalid, void, or inapplicable, the entire act shall be null and void.

Section 5. This act shall become effective on January 1, 1985.

MOTION TO TABLE LOST

The motion offered by Rep. Marietta to table the substitute offered by Rep. Coleman to the bill, H. 81 as amended, was lost.

Yeas 42; Nays 50.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Boles, Britnell, Brooks, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Fuller, Grayson, Holmes, Horn, Johnson (Roy), Kennedy, Lauderdale, McDowell, Marietta, Mathis, Melton, Moore, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Reed, Rogers, Spratt, Starkey, Tanner, and Trammell.

—42

Nays:

Reps.: Beers, Biddle, Bowling, Brakefield, Browder, Bryant, Burke, Carothers, Clark (J), Coleman, Cosby, Escott, Faulk, Flowers, Gston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, McKee, McMillan, McNair, Martin, Mikell, Newman, Payne, Penry, Preuitt, Richardson, Sasser, Seibels, Smith, Starr, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—50

The question was then on the adoption of the substitute offered by Rep. Coleman to bill, H. 81 as amended.

MOTION TO POSTPONE TABLED

On motion of Rep. Coleman, the motion offered by Rep. Marietta to temporarily postpone further consideration of the bill, H. 81 as amended, and the pending amendment, was tabled.

Yeas 50; Nays 49.

Yeas:

Reps.: Beers, Biddle, Blake, Bowling, Brakefield, Browder, Bryant, Burke, Butler, Carothers, Clark (J), Coleman, Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, McKee,

McMillan, Mikell, Mitchell, Newman, Parker, Payne, Penry, Preuitt, Richardson, Sasser, Seibels, Smith, Starr, Turner, Turnham, Warren, White (F), White (L) and Zoghby.

—50

Nays:

Mr. Speaker, Adams, Albright, Bachus, Black, Boles, Box, Britnell, Brooks, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Fuller, Gray, Grayson, Hall, Holmes, Horn, Johnson (Roy), Kennedy, Lindsey, McDowell, Marietta, Martin, Mathis, Melton, Moore, Nicholson, Onderdonk, Poole, Pratt, Rains, Reed, Rice, Rogers, Spratt, Starkey, Tanner, Thomas, Trammell and Venable.

—49

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Coleman to the bill, H. 81 as amended, and the substitute was adopted.

Yeas 88; Nays 5.

Yeas:

Mr. Speaker, Bachus, Beers, Biddle, Black, Blake, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Gray, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—88

Nays:

Reps.: Adams, Albright, Box, Bugg, and Onderdonk.

—5

And the bill:

H. 81. To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to increase the security required for an automobile or a motor vehicle liability policy while prohibiting duplication and the stacking of such under the uninsured and underinsured motorist coverage and make available underinsured motorist coverage under the Motor Vehicle Safety-Responsibility Act.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 52; Nays 47.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Black, Blake, Boles, Box, Britnell, Brooks, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Gray, Grayson, Hettinger, Holmes, Horn, Johnson (Roy), Kennedy, Lauderdale, McDowell, Marietta, Martin, Mathis, Melton, Moore, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Reed, Rice, Rogers, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable and White (G).

—52

Nays:

Reps.: Beers, Biddle, Bowling, Brakefield, Browder, Bryant, Burke, Butler, Carothers, Clark (J), Coleman, Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, McKee, McMillan, Mikell, Mitchell, Newman, Payne, Penry, Preuitt, Richardson, Sasser, Seibels, Smith, Starr, Turnham, Warren, White (F), White (L) and Zoghby.

—47

H. 96 TAKEN UP

And the bill:

H. 96. Relating to banks and branch banking: To permit any bank maintaining an office within any metropolitan statistical area to establish one or more branches at any location within said metropolitan statistical area with the consent and approval of the Superintendent of Banks; to define the term "metropolitan statistical area"; and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Which was temporarily postponed on the sixteenth legislative day, was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Campbell, the motion offered by Rep. Holley to postpone consideration of the bill, H. 96, to the twenty-seventh legislative day, was tabled.

Yeas 58; Nays 32.

Yeas:

Reps.: Adams, Albright, Bachus, Beers, Biddle, Black, Bowling, Box, Brooks, Bryant, Bugg, Buskey (John), Butler, Campbell, Carter, Clark (J), Clark (W), Cosby, Davis, Dutton, Fuller, Gaston, Gray, Grayson, Harper, Harvey, Hettinger, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, McKee, McMillan, McNair, Marietta, Martin, Melton, Mitchell, Newman, Nicholson, Parker, Payne, Penry, Pratt, Richardson, Rogers, Seibels, Spratt, Starkey, Starr, Trammell, Turner, White (G), White (L) and Zoghby.

—58

Nays:

Mr. Speaker, Blake, Blakeney, Boles, Brakefield, Britnell, Burke, Buskey (James), Clark (D), Coburn, Crow, Faulk, Flowers, Goodwin, Hammett,

Holley, Hooper, Johnson (R.G.), Lauderdale, Lindsey, Mathis, Moore, Poole, Rains, Reed, Rice, Sasser, Smith, Tanner, Venable, Warren and White (F).

—32

REPORT OF THE STANDING COMMITTEE ON
RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 81. To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to increase the security required for an automobile or a motor vehicle liability policy while prohibiting duplication and the stacking of such under the uninsured and underinsured motorist coverage and make available underinsured motorist coverage under the Motor Vehicle Safety-Responsibility Act.

JIMMY CLARK,
Chairman.

And the bill, H. 81 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON
RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 311. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, page 298), which creates and establishes the County-wide Civil Service System in Mobile County, as amended by Act No. 684, H. 594 of the Regular Session of 1976 (Acts of Alabama 1976, page 939), so as to delete the Presiding Judge of the Circuit Court and the Presiding Judge of the District Court, automatic members of the Supervisory Committee of the Mobile County Personnel Board, and to provide for the election of a Chairman of the said Supervisory Committee.

JIMMY CLARK,
Chairman.

And the bill, H. 311 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON
RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said com-

REGULAR SESSION
17th Day

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mittee, in session has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 383. To allow the Mobile County Commission, at their discretion, to grant an expense allowance to the Circuit Clerk, the County Administrator of Estates and the Circuit Register of the Thirteenth Judicial Circuit, Mobile County, Alabama, beginning in 1984.

JIMMY CLARK,
Chairman.

And the bill, H. 383 as engrossed, was ordered sent to the Senate.

CERTIFICATE OF THE CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:45 P.M. on April 10, 1984.

H. J. R. 196

H. J. R. 203

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Goodwin and pursuant to the resolution, H. R. 218, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, April 12, 1984.

Yeas 43; Nays 38.

Yeas:

Reps.: Blake, Boles, Bowling, Bryant, Burke, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W), Coleman, Crow, Fuller, Goodwin, Grimsley, Hammett, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kennedy, Laird, Lauderdale, McDowell, McMillan, Martin, Mathis, Melton, Moore, Newman, Poole, Preuitt, Rains, Reed, Rice, Sasser, Seibels, Starkey, Tanner, Trammell, Turner, Venable and White (F).

—43

Nays:

Reps.: Adams, Albright, Bachus, Beers, Biddle, Blakeney, Box, Brooks, Browder, Bugg, Butler, Campbell, Carter, Davis, Flowers, Gaston, Gray, Hall, Harper, Harvey, Horn, Junkins, Kvalheim, McKee, McNair, Marietta, Mitchell, Nicholson, Onderdonk, Parker, Pratt, Rogers, Spratt, Starr, Turnham, Warren, White (G) and Zoghby.

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EIGHTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, April 12, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Donald Mason, Pastor, Coosada Baptist Church, Coosada, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey, (James), Buskey, (John), Butler, Carothers, Carter, Clark, (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghyby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventeenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, (J), the reading at length of the Journal of the House for the seventeenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventeenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Blakeney, leave of absence was granted for Rep. Grimsley due to illness.

At the request of Rep. Browder, leave of absence was granted for Rep. Campbell, due to illness in the family.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, with Amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 178. (With Amendment): To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1985.

H. 697. (With Amendment): To amend Section 40-2-64, Code of Alabama 1975 so as to remove the limitation of the number of assistant counsels which may be appointed to transact the legal business of the Department of Revenue.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 698. To amend Section 36-26-17, Code of Alabama 1975, as amended so as to further provide for exceptions to appointments in the classified service.

H. 403. To amend Section 16-33-4, Code of Alabama 1975, relating to the Educational Benefits for Dependents of Blind Parents so as to eliminate the family income monetary restrictions used to determine the dependents' eligibility for nonpayment of instructional tuition or fees.

H. 727. To provide for the payment of an expense allowance to members of the board of directors of any Waterworks or Sewer Board heretofore or hereafter organized pursuant to the statute now codified as Sections 11-50-230 to 241, Code of Alabama 1975.

H. 724. To provide for the establishment of a uniform plan of health insurance for local governmental employees and, under certain conditions, retired employees, of employers participating in the employees' retirement system of Alabama under the provisions of Section 36-27-6, Code of Alabama 1975, as amended; to provide for the creation of the Local Employees' Health Insurance Board, its membership, terms, authority, responsibilities, powers, and duties; to prescribe the coverage which may be provided by said Board and the method of funding the cost of said coverage; and to further provide that the Board, upon certain findings, may develop a plan of self insurance.

H. 725. To amend Section 27-4-2, Code of Alabama 1975, which directs the Commissioner of Insurance to collect in advance certain fees, licenses and miscellaneous charges, by increasing said fees, licenses and miscellaneous charges, charging an application fee for resident and non-resident life and disability agents, establishing an Insurance Regulatory Trust Fund for the payment of the direct and indirect expenses of the Insurance Department, authorizing the investment of available monies of the Insurance Regulatory Trust Fund by the agency having the constitutional or statutory power to make investments and reinvestments for and in behalf of any state agency, requiring that all earnings derived from such investments be paid into the Insurance Regulatory Trust Fund, requiring that any cash balance in the Insurance Regulatory Revolving Trust Fund after the conclusion of the current fiscal year be carried forward in the same fund for the next succeeding fiscal year and each fiscal year thereafter, authorizing the state's chief fiscal officer to transfer monies from funds of the State Treasury to the Insurance Regulatory Revolving Trust Fund should that fund incur a deficiency, requiring that any monies so transferred be repaid

before the conclusion of the fiscal year in which the transfer is made, and allowing the Insurance Department's expenses to be paid by appropriations from the state general fund with repayment to the state general fund being made before the end of the next fiscal year.

H. 667. To amend Section 36-29-10 of the Code of Alabama 1975, which provides for the election of retired state employees to continue coverage under the state employees group insurance plan, so as to provide further for such insurance coverage.

H. 707. A bill to amend Act No. 83-498, 1983 Regular Session of the Legislature of Alabama, to make the appropriation contained in said Act No. 83-498 in the amount of Six Million Five Hundred Thousand Dollars (\$6,500,000), constitute and consist of a supplemental appropriation for the period ending September 30, 1983 and an appropriation for subsequent fiscal years, from monies comprising Trust Capital of The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of requisitions submitted by the Alabama Housing Finance Authority for its payment of costs and expenditures (including funding of debt service reserve funds) incurred by it in the exercise of the powers granted to it by law, and to validate disbursements made to said Authority between August 1, 1983 and October 31, 1983 and to provide that any requisitions paid after December 31, 1983 shall only be made in connection with issuance of single family mortgage revenue bonds, the interest on which is exempt from federal income taxation.

H. 595. Relating to exemptions from the payment of state, county and municipal ad valorem taxes, so as to exempt the Presbyterian Apartments of Birmingham, Inc., the Presbyterian Homes of Decatur, Inc., the Shoals Presbyterian Apartments, Inc., the Presbyterian Apartments in Northport, Alabama, and the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entity, from the payment of such state, county and municipal taxes.

H. 656. To amend Section 40-20-8 (c) Code of Alabama, 1975, as last amended, relating to the allocation and distribution of taxes from oil and gas production, so as to provide further for the distribution of taxes collected within the jurisdiction of municipalities.

H. 203. To amend Section 9-15-38, Code of Alabama 1975, relating to the sales of timber or minerals from school or swamp and overflowed lands, so as to remove the \$500.00 limit on the negotiated sale of damaged, diseased, or right-of-way timber; and to further provide for the negotiated sale of all other timber, the value of which does not exceed \$2,000.00.

H. 86. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,500 pounds or greater, may be made without the requirement of competitive bids being taken.

H. 691. Relating to motorcycles, to require the department of public safety to implement a motorcycle driver education program and to provide for qualifications for instructors and courses of instruction, and to provide for a special fund in the state treasury and an additional \$2.00 fee for each motorcycle registration, and to provide rule making power to the department to implement the provisions of this act.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 334. To require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage or security and to provide criminal sanctions for violating the provisions of this Act.

H. 521. To amend Section 13A-11-60, Code of Alabama 1975, relating to the possession of brass or steel teflon-coated handgun ammunition, so as to provide further therefor, and to include any bullet which penetrates 18 layers of Kevlar; and to provide criminal felony penalties for the manufacture, sale, importation, possession and use of such ammunition.

H. 708. To provide for the voluntary dissolution of solvent subsidiary corporations organized under Alabama law; to provide for the transfer of rights and properties and assumption of liabilities and duties thereof; to provide for the execution, contents and filing of articles of dissolution; to provide for the issuance of a certificate of dissolution, the effect and time of effectiveness thereof; to provide that this act shall be included in the Code of Alabama 1975 as Section 10-2A-181A; and to provide for an effective date.

H. 711. To amend Section 70 of the Alabama Business Corporation Act (Acts 1980, No. 80-633), now § 10-2A-111, Code of Alabama 1975, relating to procedure to amend articles of incorporation of Alabama business corporations.

H. 752. To amend Chapter 17 of Title 27, Code of Alabama 1975, by adding a new section to modify the method of calculating reserves on burial insurance policies.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 86. (With Amendment): To provide for court ordered continuing income withholding by employers as a means of child support enforcement; to provide that such order shall be included as a part of any original judgment or decree for the payment of child support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent child support amounts in addition to enforcing continuing, prospective child support obligations; to provide for the content of orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for child support shall take precedence over any other notice of garnishment; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 394. (With Amendment): To amend Section 15-19-1 Code of Alabama 1975, which relates to crimes committed by a minor, so as to provide that a person charged with a capital offense or class A felony is not eligible to be tried as a youthful offender.

H. 282. (With Amendment): To establish the separate crime of convenience store robbery and to provide for penalties for violations.

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 712. To amend Section 13A-11-63, Code of Alabama 1975, relating to the possession and sale of short-barreled rifles or short-barreled shotguns, so as to provide for the seizure and disposition of such weapons.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 223. To repeal Sections 4-2-30, 4-2-31, 4-2-32, 4-2-35, 4-2-35.1 and 4-2-36 of the Code of Alabama 1975, relating to the creation, composition, appointment and function of the Alabama department of aeronautics and the Alabama aeronautics commission, and the powers, duties, qualifications and functions of the director of aeronautics and the assistant director of aeronautics; so as to abolish the Alabama department of aeronautics and the Alabama aeronautics commission and to transfer all duties, powers, responsibilities, authorities and functions thereof to the state highway department; and to establish an aeronautics division of the state highway department; and to create the position of supervisor of the aeronautics division of the state highway department; and to create the aeronautics board to serve in an advisory capacity to the aeronautics division of the state highway department, and to supervise and authorize all real estate transactions, whether conveyance, lease, or otherwise and to supervise all funds, monies and investments of the aeronautics division of the state highway department, and provide for the appointment, duties and compensation of the board members; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 155. (With Substitute) (With Amendment): To authorize certain Mutual Aid Associations to increase their paid-in capital.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 736. (With Amendment): To provide minimum benefits for the diagnosis, treatment and rehabilitation of mental, emotional or nervous disorders, drug abuse or alcoholism to certain group health insurance policies, contracts and plans, which are delivered, issued for delivery, renewed or used in this state and to repeal certain conflicting laws regarding alcoholism treatment in group plans.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 663. (With Amendment): To amend Section 16-3-1, Code of Alabama 1975, relating to the composition, election and term of office of members of the state board of education, so as to provide further for such election, based on the 1980 census.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 678. To provide an annual supplemental retirement benefit to the retired district and circuit judges of the 36th Judicial Circuit, payable from the county treasury of the county comprising said circuit; to provide that the circuit and district court judge holding office on the effective date of this act may elect to come under this act and that any circuit or district court judge hereafter elected or appointed to office shall come under its provisions as a matter of law; to provide that said participating judges shall contribute to the county treasury a portion of their county salary supplement in order to qualify for the benefits provided herein; to provide that said judges shall begin drawing the additional retirement benefits provided herein at the time they qualify for and begin receiving benefits from the state judicial retirement fund; to provide that said participating judges may elect to withdraw contributions plus interest from the county treasury should their judicial service be terminated prior to becoming eligible for the benefits provided herein, or may elect to leave said contributions with the county treasury until such time as they attain a retirement age and become eligible to receive the benefits provided herein; to provide for a return of contributions, or any remaining portion thereof, to the estate of a participating judge should such judge die prior to becoming eligible for the benefits provided herein or prior to recouping all of his contributions; and to provide an effective date.

H. 694. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Geiger in Sumter County.

H. 720. Relating to law enforcement in Houston County; to amend Sections I, II and III of Act No. 671, 1967 Regular Session (Acts 1967, p. 1495), relating to the issuance of pistol permits in Houston County, so as to provide further for permit fees, distribution of such fees and issuance of such permits.

H. 723. Relating to Hale County; to authorize the Hale County Commission to appoint, under the rules of the merit system of the state of Alabama a county health administrator with full administrative authority of

the Hale County Health Department and to provide for the duties of such officer.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 734. (With Amendment): Relating to Houston County; to establish a civil service system for Houston County; to provide a policy for the administration of this act; to divide positions in the county into classified and exempt services, and to provide for changes between such services; to provide a status for present employees; to provide personnel rules and personnel plans for Houston County; to provide that the first members of the personnel board shall be members of the existing personnel appeals board created pursuant to act No. 2262, S. 1234, Regular Session 1971 (Acts 1971, p. 3643), and continued under Act 1049, S. 886, 1973 Regular Session (Acts 1973, p. 1663), and to provide for their successors in office; to provide for the adoption, amendment and repeal of rules, regulations, determinations, job classification plans, pay plans, and mandatory and/or permissive retirement plans to effectuate the purposes of this act; to provide for the employment of persons with competitive examination; to provide for temporary appointments and the manner in which and the extent to which they shall be made permanent; to provide for the establishment of lists of persons eligible for employment and to establish the manner in which such lists shall be used; to establish a period of probation for certain county employees; to provide for rules governing working hours and leaves of absence; to provide for the laying off of employees; to establish the manner in which employees may be disciplined and to provide a procedure under which certain employees may protest such disciplinary action; to give the personnel board the authority to require the attendance of witnesses and the production of documents at such proceedings and to establish penalties for failure to attend or produce records as required to provide for an appeal from decisions of such board in such protests; to require such board to maintain certain records; to prohibit and fix the punishment for certain political activity by certain employees of the county; to provide for the expenses of such board; to guarantee certain rights to the governing body of Houston County; and to repeal Act No. 1049, S. 886, 1973 Regular Session (Acts 1973, p. 1663).

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 746. Relating to Limestone County; to provide for appointment of a county license commissioner by the county commission in lieu of the county license commission authorized by Act No. 746, H. 757 of the 1978 Regular Session (Acts 1978, p. 1089); to prescribe the duties, compensation and term of such commissioner; to abolish the office of county license inspector and transfer such duties to the newly appointed license commissioner; to provide that such commissioner shall perform certain duties heretofore performed by the tax assessor, tax collector and judge of probate; to prescribe certain fees, charges and commissions to be collected by such commissioner and provide for disposition of the proceeds thereof; to provide for certain reports relating to such collections and to prescribe certain penalties for violations relating to licenses.

H. 747. Relating to Limestone County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as the county revenue commissioner; abolishing the offices of tax assessor and tax collector in said county; prescribing the duties and compensation of such commissioner and providing for referendum approval of such consolidation.

H. 748. Relating to Limestone County; providing that any unencumbered portion of the proceeds of any special county tax levied pursuant to Amendment 125, Constitution of Alabama 1901, can be used, in addition to all other authorized purposes, to defray the expense of indigent health care, to pay obligations of Limestone County pursuant to the Alabama Health Care Responsibility Act, Sections 22-21-290 through 22-21-297, Code of Alabama 1975, relating to county responsibility and indigent health care, or otherwise to fund indigent health care for Limestone County.

H. 749. To authorize the Limestone County Commission to provide forest and other acreage protection within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forestlands and other acreage protected by the Alabama Forestry Commission in the county and to prescribe the procedure for levying and collecting such assessments.

H. 750. Relating to Limestone County; authorizing the Limestone County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

H. 770. To approve the proposal of the City Council of the City of Enterprise in Coffee County to increase the rate at which ad valorem tax is levied in such city pursuant to Amendment No. 373 to the Constitution of Alabama of 1901.

H. 772. Relating to Coffee County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county at the end of the current term or when a vacancy occurs in the office; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

H. 774. Relating to Coffee County; providing further for the compensation of the sheriff.

H. 775. Relating to Coffee County; providing for an expense allowance payable from the general fund of the county treasury for the probate judge; and providing further for the compensation of such official.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 755. Relating to Mobile County; providing for the salary of the License Commissioner of Mobile County.

H. 756. To amend the Civil Service Act (Local Act No. 470, Approved September 15, 1939, Local Acts of Alabama, Page 298) so as to provide that the employees of the Utilities Board of the Town of Citronelle may volunta-

rily withdraw themselves and the Utilities Board from the county-wide civil service system of Mobile County, Alabama, and to provide for an election and the procedure for the election to determine whether the Utilities Board shall be subject to the county-wide civil service system of Mobile County, Alabama and to provide the employees the authority and procedure to vote in subsequent elections on the same issues.

Rep. Albright, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 713. Relating to Madison County; to exempt from all county and local ad valorem taxes all property owned and used by the Mayfair Towers Corporation, a Huntsville, Alabama, corporation.

H. 701. Relating to the city of Huntsville, Alabama; providing further for the city council by providing for election of the members of such council from certain defined districts; providing for certain concurrent terms of office for such members.

H. 702. Relating to the city of Huntsville, Alabama; providing further for the city board of education by providing for election of the members of such board from certain defined districts and providing terms of office for such members which shall run concurrently with those of the mayor and the members of the city council.

Rep. Albright, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 700. (With Amendment): To authorize Madison County, Alabama, to provide for the forfeiture of devices and weapons used in the commission or attempted commission of any crime against a person; to provide for the forfeiture of devices or weapons upon the conviction of a person of the crime of carrying a concealed weapon; to provide for the forfeiture of any device or weapon denominated as unlawful under the laws of the state or which is found on or about the person of any person who is prohibited by law from carrying or possessing said device or weapon; and to provide for the forfeiture of any device or weapon which is abandoned or otherwise found and the lawful owner cannot be located; and to exempt motor vehicles from the provisions of the act. To further provide for the disposition of said devices or weapons by the District Attorney by means of destruction, sale, or use for historical, instructional, or law enforcement upon court order and to exempt devices or weapons which are found to be stolen or otherwise wrongfully possessed and the lawful owner is located.

Rep. Albright, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 730. Relating to Madison County; providing for a uniform and clothing allowance for deputies and other members of the Sheriff's force and repealing Act Number 920 of the 1973 Alabama Legislature.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 202. To authorize the Public Service Commission to grant intra-state charter rights to any common carrier of passengers by motor vehicle regardless if such common carrier holds and operates regular route authority.

McDOWELL LEE,
Secretary.

SIGNING OF THE SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. White (F) (With Notice and Proof):

H. 776. Relating to Escambia County; to amend Section 8 of Act No. 565, H. 967 of the 1953 Regular Session of the Alabama Legislature, which relates to privilege licenses, so as to increase the compensation of the inspector employed to assist the Judge of Probate in the enforcement of the provisions of said act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 776, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Carothers:

H. 777. To amend Section 7-9-307 of the Code of Alabama 1975, relating to the protection of buyers of goods, so as to provide that anyone selling farm products must execute a certificate of ownership revealing ownership, any security interest and notice of criminal acts and omissions and providing for penalties; to require that checks in payment be made jointly to include to include seller and any secured party; and providing for the imposition of fines and criminal penalties for violations and for untrue statements.

Committee on Judiciary.

By Rep. Moore:

H. 778. To amend Section 34-22-40, Code of Alabama 1975, which es-

tablishes the Alabama board of optometry, so as to provide further for the terms of office of the members of said board.

Committee on State Administration.

By Rep. Johnson (R.G.) (With Notice and Proof):

H. 779. Relating to Talladega County; authorizing certain county health officers or administrators to issue official death certificates, levy and collect fees therefor; and providing for the distribution of such revenues for county health purposes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 779, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Smith:

H. 780. To provide for a supplemental appropriation to the Department of Agriculture and Industries from the Agricultural Fund for the period ending September 30, 1984, in the amount of \$400,000.

Committee on Ways and Means.

By Rep. Horn:

H. 781. To propose an amendment to Amendment No. 83 of the state constitution, which relates to the Jefferson County Judicial Commission so as to alter the manner of appointing the two members to said board who are not members of the state bar association.

Committee on Local Legislation No. 2.

The above bill was read a first time at length as required by the Constitution.

By Rep. Horn:

H. 782. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the reidentification of certain registered voters; providing for the appointment of deputy registrars to aid in the reidentification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Committee on Ways and Means.

By Rep. Horn:

H. 783. To authorize, based on certain legislative findings, municipalities situated in Alabama to alter and change water courses and to acquire, construct and develop wharves, warehouses, and other improvements related to the development and operation of river ports within a radius of twenty-five miles of the limits thereof in order to maximize the ability of such municipalities to promote the use of river and water transportation to take advantage of the transportation potential made possible by the Tombigbee Waterway, provided that no such facility can be constructed or developed within the police jurisdiction of another municipality without the

consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to authorize such municipalities to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds, to finance such river port facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such river port facilities, and to contract for joint construction and operation thereof; to make the provisions hereof severable; and to provide an effective date of the Act.

Committee on Constitution and
Elections.

By Rep. Horn (With Notice and Proof):

H. 784. To authorize Class I municipalities to alter and change water courses and to construct and develop wharves and wharf facilities within a radius of twenty-five miles in order to maximize the the ability of municipalities to promote the use of river and water transportation to take advantage of the shipping potential made possible by the Tombigbee Waterway, provided that no such facility can be constructed or developed within the police jurisdiction of another municipality without the consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds to finance such facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such facilities, and to contract for joint construction and operation thereof; to provide an effective date of the Act.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 784, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turnham:

H. 785. To amend Section 16-25-14 of the Code of Alabama 1975, relating to benefits generally under the teachers' retirement system, so as to provide further for certain benefits under such system.

Committee on Ways and Means.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. White (F):

H. R. 232. COMMENDING MISS AIMEE MACK OF McCULLOCH, ESCAMBIA COUNTY, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Marietta:

H. J. R. 233. COMMENDING MR. AND MRS. CHRISTOPHER

McARDLE OF THEODORE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary on April 4, 1984, of Mr. and Mrs. Christopher McArdle of Theodore, Alabama; and

WHEREAS, Mr. McArdle and his wife, Mrs. Genevieve McArdle, were united in marriage on April 4, 1934, at Saint Francis Xavier Catholic Church in Mobile, Alabama, and forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an enviable example for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple, Mr. and Mrs. Christopher McArdle of Theodore, Alabama, and direct that they receive a copy of this resolution expressing our warm best wishes for many more happy years together as man and wife.

On motion of Rep. Marietta, the rules were suspended and the resolution, H. J. R. 233, was adopted.

Also:

By Reps.: Rogers, Davis, Horn, Perdue, Bachus, Boles, Trammell, Beers, McDowell, Seibels, Pratt, White (G), Gray and Spratt:

H. J. R. 234. COMMENDING UAB BLAZER STEVE MITCHELL.

WHEREAS, UAB Blazer Steve Mitchell is the University's 7th all-time scorer, with 645 points, in only his sophomore year; and

WHEREAS, Steve Mitchell, who is a product of Whitehaven High School, Memphis, Tennessee, was the second leading scorer this season, averaging 13.5 per game; and

WHEREAS, further, he set a new school record for the season—163 assists—and was named to the first team All-Sun Belt for the 1983-84; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of UAB Blazer, Steve Mitchell, whose extraordinary accomplishments on the court have contributed immeasurably to the singular success of UAB's basketball program.

BE IT FURTHER RESOLVED, That Mr. Mitchell be presented with a copy of this resolution that he may be aware of our sincere praise of his outstanding achievement, and of our warmest best wishes for every future success.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 234, was adopted.

Also:

By Reps.: Rogers, Davis, Horn, Perdue, Bachus, Boles, Trammell, Beers, Gray, Spratt, Seibels, McDowell, White (G) and Pratt:

H. J. R. 235. COMMENDING UAB BLAZER, ANTHONY GORDON.

WHEREAS, UAB Blazer, sophomore Anthony Gordon, is the fifth all-time rebounder at UAB, with 348 to his credit; and

WHEREAS, Anthony Gordon, who is a product of Booker T. Washington High School, Memphis, Tennessee, has played in all 67 Blazer games since he has been at UAB and, this season, was the team's second leading rebounder with a total of 194 for the year and an average of 5.8; and

WHEREAS, further, he also was named to the 1984 Sun Belt All-Tournament Team and set a new Sun Belt Conference Tournament record for rebounds—34 in three games; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of UAB Blazer, Anthony Gordon, whose extraordinary accomplishments on the court have contributed immeasurably to the singular success of UAB's basketball program.

BE IT FURTHER RESOLVED, That Mr. Gordon be presented with a copy of this resolution that he may be aware of our sincere praise of his outstanding achievement, and of our warmest best wishes for his every future success.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 235, was adopted.

Also:

By Reps.: Rogers, Horn, Perdue, Pratt, Bachus, White (G), Beers, Seibels, Payne, Davis, Trammell, Boles, Gray, Spratt and McNair:

H. J. R. 236. COMMENDING UAB BLAZER, MCKINLEY SINGLETON.

WHEREAS, senior McKinley Singleton, is the university's fifth all-time scorer with 615 points in only two years of varsity play; and

WHEREAS, McKinley Singleton, a product of Booker T. Washington High School, Memphis, Tennessee, was UAB's leading scorer this season with a 14.6 average and, on March 15, 1984, tied the school's record for points in a single game—35 against Brigham Young; and

WHEREAS, further, he was named Most Valuable Player in the 1984 Sun Belt Conference Tournament and was a member of the '84 Sun Belt All-Tournament Team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of UAB Blazer, McKinley Singleton, whose extraordinary accomplishments on the court have contributed immeasurably to the singular success of UAB's basketball program.

BE IT FURTHER RESOLVED, That Mr. Singleton be presented with a copy of this resolution that he may be aware of our sincere praise of his

outstanding achievement, and of our warmest best wishes for his every future success.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 236, was adopted.

Also:

By Rep. Fuller:

H. J. R. 237. DESIGNATING MAY 5, 1984, AS "RAZZY BAILEY DAY" IN ALABAMA.

WHEREAS, Razy Bailey, a native of Chambers County, Alabama, and a graduate of LaFayette High School is a nationally and internationally acclaimed recording artist; and

WHEREAS, Razy Bailey's outstanding musical career began with performances and appearances with the Future Farmers of America; and

WHEREAS, as a native son of our state, Razy Bailey is an inspiration to young people and aspiring young musicians throughout Alabama; and

WHEREAS, in coincidence with a visit to his home state and in gratitude for the fame and honor he has brought to Chambers County and Alabama, it is entirely fitting that Razy Bailey be appropriately honored by his fellow citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate May 5, 1984, as "Razy Bailey Day" in Alabama and direct that Mr. Bailey receive a copy of this resolution as a memento of this honorary designation of the Legislature.

On motion of Rep. Fuller, the rules were suspended and the resolution H. J. R. 237, was adopted.

Also:

By Reps.: Nicholson, Holmes, Holley and Johnson (Roy):

H. J. R. 238. URGING THE RELOCATION OF THE U.S. EMBASSY IN ISRAEL FROM TEL AVIV TO JERUSALEM.

WHEREAS, the United States Embassy in Israel remains located in Tel Aviv despite the lapse of 36 years since the establishment of the State of Israel; and

WHEREAS, in all other countries with which the United States maintains diplomatic relations, our embassies are located in capital cities; and

WHEREAS, not only does the U.S. Ambassador to Israel present his credentials in Jerusalem, but our diplomatic personnel must travel from Tel Aviv to conduct official business with Israel's prime minister and other government authorities, all of whom are located in the capital city; and

WHEREAS, Israel is an important and valued ally of the United States and it is imperative that we further cement our friendly relations by locating the U.S. Embassy in the Capital City of Jerusalem; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Congress to act promptly and responsibly to implement the relocation of the U.S. Embassy in Israel from Tel Aviv to Jerusalem.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Alabama Congressional Delegation in Washington, D.C., and to the President of the United States.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Nicholson offered the motion to suspend the rules and adopt the resolution, H. J. R. 238.

DIVISION OF THE QUESTION

Rep. McKee called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Nicholson to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 238, and the motion was lost.

Yeas 23; Nays 23.

Yeas:

Reps.: Albright, Black, Brakefield, Bryant, Buskey (James), Buskey (John), Clark (D), Cosby, Davis, Escott, Grayson, Holley, Holmes, Horn, Johnson (Roy), McDowell, McNair, Nicholson, Pratt, Rogers, Spratt, Thomas and Zoghby.

—23

Nays:

Reps.: Bachus, Beers, Blake, Box, Brooks, Gaston, Hammett, Harper, Hooper, Kvalheim, Laird, Lauderdale, McKee, Mathis, Parker, Rice, Sasser, Starkey, Starr, Turner, Venable, White (F) and White (G).

—23

The resolution, H. J. R. 238, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Black:

H. R. 239. COMMENDING MRS. BEATRICE DAVIS OF GRANTS CHAPEL C.M.E. CHURCH, CUBA, SUMTER COUNTY, ALABAMA FOR MORE THAN FIFTY YEARS OF CONTINUED MEMBERSHIP AND SERVICE.

Also:

By Rep. Black:

H. R. 240. COMMENDING MRS. JOANNA DELAINE OF GRANTS CHAPEL C.M.E. CHURCH, CUBA, SUMTER COUNTY, ALABAMA FOR MORE THAN FIFTY YEARS OF CONTINUED MEMBERSHIP AND SERVICE.

Also:

By Rep. Black:

H. R. 241. COMMENDING MRS. LULA B. MAYE OF GRANTS CHAPEL C.M.E. CHURCH, CUBA, SUMTER COUNTY, ALABAMA FOR MORE THAN FIFTY YEARS OF CONTINUED MEMBERSHIP AND SERVICE.

Also:

By Rep. Black:

H. R. 242. COMMENDING MR. ALBERT JOHNSON OF GRANTS CHAPEL C.M.E. CHURCH, CUBA, SUMTER COUNTY, ALABAMA FOR MORE THAN FIFTY YEARS OF CONTINUED MEMBERSHIP AND SERVICE.

Also:

The following resolutions were introduced:

By Rep. Cosby:

H. J. R. 243. INVITING "JULIA TUTWILER," AS PORTRAYED BY MRS. KATHRYN TUCKER WINDHAM, TO PERFORM FOR A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, the late Julia Strudwick Tutwiler, an Alabamian of great historical prominence, was the forerunner of today's involved women whose impact is felt in areas pioneered by Miss Tutwiler as long ago as 1880, during an era of Alabama's statehood in which politics were for men only; and

WHEREAS, an ardent advocate of educational opportunities for women, Miss Tutwiler also was an early champion for prison reform, whose crusade in cause fostered the movement for separate prisons for men and women and for reformatories for youthful offenders; and

WHEREAS, she further was a teacher and later president of Alabama Normal College at Livingston, established Alabama's first kindergarten and was the author of the words of our State song, "Alabama"; and

WHEREAS, though her name appears frequently in State annals, Miss Tutwiler's name also is emblazoned on the only major prison facility for women in the State of Alabama, thus commemorating the life of a great lady whose major legacy was to the women of our State; and

WHEREAS, for the benefit of the Julia Tutwiler State Prison For Women, and specifically for the construction of a prison chapel, another famous Alabama lady, Mrs. Kathryn Tucker Windham of Selma, has written a one-act play in which she performs the role of "Julia Tutwiler"; all proceeds from the benefit performance on May 10, 1984, at Montgomery's Huntingdon College will be allocated to the Tutwiler Chapel Fund; and

WHEREAS, it is the desire of the Legislature that in nostalgia, "Julia Tutwiler" should once again visit our Capitol where she lobbied so many years ago, a "gentle" lady who battled alone in the political arena of the 1880's; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend an invitation for "Miss Julia Tutwiler," as portrayed by Mrs. Kathryn Windham, to ap-

pear before a Joint Session of the Alabama Legislature, at a date and time to be set, and at Mrs. Windham's convenience.

BE IT FURTHER RESOLVED, That in invitation, the Clerk of the House shall forward a copy of this resolution to Mrs. Windham.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 243, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 243:

Mr. Speaker, Bachus, Beers, Biddle, Boles, Box, Britnell, Browder, Bryant, Burke, Buskey (John), Butler, Clark (D), Clark (W), Coleman, Davis, Escott, Faulk, Gray, Grouby, Hall, Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Lindsey, McDowell, McMillan, McNair, Mikell, Newman, Penry, Perdue, Pratt, Preuitt, Rains, Rogers, Seibels, Smith, Spratt, Thomas, Trammell, Turner, Turnham, Warren, White (G) and Zoghby.

Also:

By Reps.: Butler, Albright, Hettinger, Grayson, Hall and Brooks:

H. J. R. 244. COMMENDING MR. AND MRS. GEORGE HARRIS AND THE HARRIS HOME ON THE 30TH ANNIVERSARY OF THE INSTITUTION'S ESTABLISHMENT.

WHEREAS, Mrs. Chessie Harris and her husband, Mr. George Harris, are co-founders of the Harris Home for Children, established in 1954 in Huntsville, Alabama; and

WHEREAS, the opening of said home for foster care was the realization of a childhood dream of Mrs. Harris, former executive director of the facility from its inception until her retirement in 1980; and

WHEREAS, though blessed with innate ability and imbued with compassion and understanding for homeless children, Mrs. Harris pursued graduate studies in such areas as child welfare, educational psychology, adolescent psychology, sociology, home economics and family planning at various colleges and universities; and

WHEREAS, Mrs. Harris further has been associated with a number of professional organizations in child care and related fields, serving many in leadership capacity, and has been variously honored for her work and service, including a 1978 gubernatorial proclamation declaring a statewide day in her name; and

WHEREAS, since Harris Home first opened its doors to the homeless, more than 800 children have been given guidance and professional care in a warm home-like atmosphere by their loving "parents," Mr. and Mrs. George Harris, who have given generously of themselves, despite sacrifice of a private life and personal financial gain; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. and Mrs. George Harris of Huntsville, Alabama, and the Harris Home they founded some three decades ago.

BE IT FURTHER RESOLVED, That Mr. and Mrs. Harris receive a copy of this resolution, expressing our deep admiration and regard for their

immeasurable compassion, love and self-sacrifice on behalf of their fellowman.

On motion of Rep. Butler, the rules were suspended and the resolution, H. J. R. 244, was adopted.

Also:

By Reps.: Nicholson and Brakefield:

H. J. R. 245. MOURNING THE DEATH OF JUDGE ROY MAYHALL OF JASPER, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of Judge Roy Mayhall of Jasper, Alabama, on March 11, 1984, at the age of 82 years; and

WHEREAS, Judge Mayhall, a native of Haleyville, was a graduate of the University of Alabama's School of Law; he was engaged in the private practice of law in Haleyville for some 20 years, during which time he became the first Democrat from Winston County ever to be elected to the Alabama House of Representatives; and

WHEREAS, it was upon appointment in 1943 to the circuit judgeship in Walker County that Judge Mayhall moved to Jasper, and his lengthy tenure, until retirement in 1965, evidenced the trust and regard in which he was held by the citizens of Walker County; and

WHEREAS, Judge Mayhall, following retirement, served as supernumerary judge for eight years in Mobile, five years in Huntsville and for a year in Gadsden; and

WHEREAS, he was a member of the Alabama Executive Democratic Committee for more than three decades, holding office as vice chairman and chairman from 1966 until 1978, and was a delegate to the National Democratic Convention in 1960; and

WHEREAS, Judge Mayhall also served in responsible community concern as a member, deacon and chairman of the diaconate of First Baptist Church of Jasper, and as a member of the Jasper Lions Club for 55 years, holding a number of offices in that organization; and

WHEREAS, though an astute jurist and dedicated civic leader, Judge Mayhall also will long be remembered as a beloved member of his community who gave in service and concern for others far more than was possible to repay; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Judge Roy Mayhall of Jasper, Alabama, sharing the sorrow of his family and, indeed, all of Alabamians.

BE IT FURTHER RESOLVED, That copies of this resolution, tendered in sympathy and concern, be forwarded to his wife, Mrs. Louise Mayhall; to his daughters, Mrs. Reba Brown and Mrs. Doris Roberts; and to other family members as well.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 245, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 246: BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, April 12, 1984, we adjourn to meet again on Tuesday, April 17, 1984, at 12:00 noon.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 246, was adopted.

BILLS ON THIRD READING

And the bill:

H. 705. To authorize the Marion County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yeas:

Mr. Speaker, Black, Box, Britnell, Brooks, Browder, Bugg, Burke, Carter, Clark (D), Coleman, Crow, Gaston, Goodwin, Harper, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Newman, Nicholson, Parker, Penry, Tanner, Turner, Turnham, Warren, White (F) and Zoghby.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 714. Relating to Lamar County; to amend Section 1 of Act No. 82-511, H. 796, of the 1982 Regular Session so as to provide that twenty-five percent of all funds accruing to Lamar County from the oil and gas privilege tax pursuant to Sections 40-20-1 through 40-20-13 of the Code of Alabama 1975, shall be transferred to the county board of education; and to provide that the funds so transferred shall be spent by the county board of education for capital improvement or for the purchase of school buses.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Black, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Butler, Carter, Clark (D), Coburn, Coleman, Flowers, Goodwin, Harper, Harvey, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy,

Kvalheim, Lauderdale, McMillan, Newman, Nicholson, Penry, Preuitt, Rice, Tanner, Warren, White (F) and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 737. Relating to Washington County; providing for an expense allowance, payable from the county general fund, for the Circuit Clerk of the county; specifically repealing Act No. 81-177, H. 618, Regular Session 1981 (Acts 1981, p. 202), and repealing conflicting laws, all relating to the compensation of the Circuit Clerk of Washington County; providing that such expense allowance shall be calculated on a certain percentage of the state compensation for such official.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 34; Nays 0.

Yeas:

Mr. Speaker, Black, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Butler, Carter, Clark (D), Coleman, Crow, Gaston, Goodwin, Harper, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Newman, Nicholson, Onderdonk, Parker, Penry, Tanner, Warren, White (F), White (L) and Zoghby.

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 247. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That upon reaching the Calendar and after any unfinished business is disposed of, the following bills in the order named be made the special and paramount order of business for the 18th Legislative Day, April 12, 1984, taking precedence over any other pending Special Orders:

<u>Bill No.</u>	<u>Sponsor</u>	<u>Short Title</u>	<u>Page</u>
H. 670 (amdt)	Browder	Educational reform; comprehensive plan	157
H. 77 (amdt)	Clark, J.	Conservation; State Parks; contract extension	55
H. 78	Clark, J.	Coservation; State Parks; revolving fund	55

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H. 219	Carothers	Conservation; Game & Fish; hunter education	27
H. 198	Carter	Conservation; Game & Fish; hunting within 100 yds. of highway	26
H. 353	Moore	Board of Adjustment	63
H. 354	Moore	Probate judges; state facilities; mental health evaluations	63
H. 526	Campbell	State social security office under State Comptroller	113
H. 224	Zoghby	State Treasurer; destruction of cancelled warrants	53
H. 305 (amdt)	Zoghby	State Treasurer; check writing machine; employees in office	53
H. 367	Campbell	Codification	43
H. 185	Tanner	Probate Code; amending	5
H. 94	Campbell	Administrative Procedures Act; amendment	7
H. 326	Warren	Uniform Certificate of Title & Antitheft Act; amended	172
H. 51	Biddle	Contractors; resident preference	15
H. 52	Biddle	Contractors; out of state	15
H. 171 (amdt)	Adams	Probate offices; fees and charges	57
H. 107	Kennedy	Emergency telephone boxes on interstate	36
H. 671 (amdt)	Buskey, Jas.	Mobile County; Mobile County Racing Commission	156
H. 158	White (L)	Leases and lease purchases; expenditures	13
H. 133	Britnell	Sick leave bank on request	54
H. 259	Coleman	Handicapped parking decals	47
H. 325 (sub)	Johnson, Roy	Circuit clerks and registers, annual salary	159
H. 612	Turnham	Circuit courts; district courts; fees and charges	153
H. 487	Clark, J.	Uniform State Laws Commission	69
H. 657 (amdt)	Harvey	Exemption of property from execution or attachment	175
H. 502	White (L)	State Board of Pharmacy; appeals	112
H. 570	White (L)	State Board of Pharmacy; license fees	120
H. 32 (amdt)	Turner	Full-time firefighters; payroll deductions	49
H. 586	Clark, D.	Veterans Nursing Home operated by V.A. exempt as health care facility	143
H. 328	Tanner	Municipalities; residence requirements	57

H. 446	Adams	Tax assessors, tax collectors; payment of salaries	103
H. 30 (sub)	Turner	Class 2 municipalities; retirement system	106
H. 21 (admt)	Laird	Small Business Office of Advocacy	33
H. 624	Smith	Forestry Commission Steering Committee	144
H. 47	Turnham	Uniform Certificate of Title & Antitheft Act; amended	38
H. 411	Johnson, Roy	State Employees Insurance Bd.; membership	78
H. 486	Clark, J.	Timesharing brokers; regulating	68
H. 461	Nicholson	Trust investments	91
H. 500	Mitchell	State Board of Barber Examiners	93
H. 310	Dutton	State archery hunting license provided for	28
H. 585	Turnham	Wastewater treatment	132
H. 215	Onderdonk	Oil/gas severance tax	160
H. 317	Smith	FOP Annuity & Benefit Fund; amended	76
H. 199	White (F)	County constables	31

On motion of Rep. Clark (J), the resolution, H. R. 247, was adopted.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 96. Relating to banks and branch banking: To permit any bank maintaining an office within any metropolitan statistical area to establish one or more branches at any location within said metropolitan statistical area with the consent and approval of the Superintendent of Banks; to define the term "metropolitan statistical area"; and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Which was temporarily postponed on the seventeenth legislative, was taken up.

H. 96 TEMPORARILY POSTPONED

On motion of Rep. Johnson (Roy), consideration of the bill, H. 96, was temporarily postponed.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 670. (With Amendment): Relating to educational reform; providing for a comprehensive plan for improving instruction in science, mathematics, computer education and other designated critical areas; providing

for a scholarship loan program to attract able students into the teaching profession in subjects of mathematics, science, computer education and other critical areas; providing a program for certified teachers to add to their certificate mathematics, science, computer education and other critical areas; providing a program whereby provisionally certified persons with extensive preparation in mathematics, science and computer education may serve as an emergency source of teachers; providing rigorous in-service training for public school personnel; amending Sections 16-23-18, 16-23-20, 16-23-21 and 16-23-23, Code of Alabama 1975, and repealing Section 16-23-19, Code of Alabama 1975, all relating to emergency secondary education scholarships, so as to transfer authority for the administration of the scholarships from the state board of education to the Alabama commission on higher education; creating and providing for the governor's educational reform commission; and providing for appropriations to carry out the provisions of this act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 670, page 5, line 8, by striking out the number "\$500,000" and inserting in lieu thereof the following number:

\$100,000

And the amendment was adopted.

Yeas 71; Nays 2.

Yeas:

Mr. Speaker, Bachus, Beers, Biddle, Black, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Jenkins, Kvalheim, Laird, McKee, McNair, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Perdue, Poole, Pratt, Reed, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Venable, White (F), White (G), White (L) and Zoghby.

—71

Nays: Reps. McMillan and Penry.

—2

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 670, as amended:

Amend H. B. 670 on page 4, Section 5, line 27 by inserting after the word "three" the following:

Black

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G) and White (L).

—87

Nays: Reps.: Bachus and Brooks.

—2

AMENDMENT OFFERED

Reps. Cosby and Holmes offered the following amendment to the bill, H. 670 as amended:

Amend H. 670 by adding the following on page 4, line 24 after the word "association,":

the president of the Alabama Association of School Boards

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (Roy) to table the amendment offered by Reps. Cosby and Holmes to the bill, H. 670, as amended, was lost.

Yeas 42; Nays 50.

Yeas:

Mr. Speaker, Albright, Blake, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark (D), Coburn, Coleman, Crow, Davis, Escott, Gray, Hall, Holley, Johnson (Roy), Junkins, Lauderdale, Lindsey, McDowell, Marietta, Mathis, Melton, Mitchell, Newman, Onderdonk, Parker, Perdue, Reed, Rogers, Smith, Tanner, Trammell and White (L).

—42

Nays:

Reps.: Adams, Bachus, Biddle, Boles, Brooks, Butler, Carothers, Clark (J), Clark (W), Cosby, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hammett, Harper, Hettinger, Hooper, Horn, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, Mikell, Nicholson, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Starkey, Starr, Thomas, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—50

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Reps. Cosby and Holmes to the bill, H. 670 as amended, and the amendment was adopted.

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Yeas 46; Nays 41.

Yeas:

Reps.: Adams, Bachus, Biddle, Boles, Brooks, Bugg, Butler, Carothers, Clark (J), Cosby, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, Mathis, Mikell, Moore, Payne, Penry, Poole, Preuitt, Rains, Rice, Sasser, Seibels, Starkey, Starr, Turnham, Venable, Warren, White (F) and White (G).

—46

Nays:

Mr. Speaker, Albright, Blake, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Burke, Buskey (James), Buskey (John), Clark (D), Coleman, Crow, Davis, Dutton, Escott, Gray, Hall, Holley, Johnson (Roy), Junkins, Lauderdale, Lindsey, Marietta, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Perdue, Rogers, Smith, Tanner, Trammell, Turner, White (L) and Zoghby.

—41

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Bugg inadvertently voted "Yea" on the amendment offered by Reps. Cosby and Holmes to the bill, H. 670 as amended, an intended to vote "Nay".

AMENDMENT OFFERED

Rep. Mikell offered the following amendment to the bill, H. 670 as amended:

On page 4, in Section 5, line 30, after the period, insert the following language:

The three members appointed by the governor will be chosen from the business community from a list of six names submitted to the governor by the Alabama Chamber of Commerce.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Mikell to the bill, H. 670 as amended, was tabled.

Yeas 55; Nays 29.

Yeas:

Mr. Speaker, Albright, Black, Blake, Bowling, Box, Brakefield, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Escott, Goodwin, Gray, Grayson, Hall, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Lauderdale, McDowell, McNair, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Pratt, Reed, Rice, Rogers, Smith, Spratt, Tanner, Thomas, Trammell, Warren and Zoghby.

—55

Nays:

Reps.: Adams, Bachus, Boles, Brooks, Butler, Carothers, Carter, Cosby,

Faulk, Fuller, Gaston, Grouby, Hammett, Harper, Hooper, Kvalheim, McKee, McMillan, Mikell, Payne, Penry, Preuitt, Rains, Sasser, Seibels, Starr, Turnham, Venable and White (L).

—29

AMENDMENT OFFERED

Rep. Boles offered the following amendment to the bill, H. 670 as amended:

In Section 5(a), page 4, line 28, after the word “provided”, add the following:

, and also three persons from the personnel departments or divisions of corporations or large companies doing business in this state, who shall be appointed by, and serve at the pleasure of the Governor of the State of Alabama.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beers, Biddle, Black, Blake, Boles, Bowling, Brakefield, Brooks, Browder, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rogers, Sasser, Siebels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G) and White (L).

—80

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 670 as amended:

Amendment to H. 670, Section 5, page 4, line 19, after the word “education” and the comma, by inserting the following:

five members appointed by the Governor from the county superintendents of education.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 51; Nays 28.

Yeas:

Reps.: Adams, Bachus, Beers, Biddle, Blakeney, Brakefield, Brooks, Butler, Carter, Coburn, Coleman, Cosby, Dutton, Faulk, Flowers, Gaston, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McMillan, Mikell, Moore, Newman, Nicholson, Payne, Penry, Poole, Preuitt, Rains, Rice, Sasser,

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Seibels, Smith, Starkey, Turner, Turnham, Venable, Warren, White (G) and Zoghby.

—51

Nays:

Reps.: Albright, Black, Blake, Boles, Bryant, Bugg, Buskey (James), Clark (J), Clark (W), Crow, Davis, Escott, Gray, Horn, Lauderdale, McDowell, McNair, Marietta, Melton, Mitchell, Onderdonk, Perdue, Pratt, Rogers, Spratt, Thomas, Trammell and White (F).

—28

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 670 as amended:

Amend H. B. 670 on page 4, Section 5(a), line 28 by adding after the word provided the following:

five (5) classroom teachers from the State at large elected by the teachers themselves. The election shall be held by the organization representing the majority of classroom teachers.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 13.

Yeas:

Reps.: Adams, Black, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Cosby, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, McDowell, McMillan, Marietta, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Smith, Starr, Thomas, Turner, Venable, Warren, White (L) and Zoghby.

—61

Nays:

Reps.: Bachus, Beers, Blake, Crow, Gray, Horn, Lindsey, McNair, Onderdonk, Payne, Seibels, White (F) and White (G).

—13

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, H. 670 as amended:

Amend H. B. 670 on page 7, Section 8, line 4 by adding after the word(s) for professional educators the following:

and the development of a state-wide merit pay plan similar to those adopted in Florida, Tennessee and other states. The commission shall recommend its program no later than the fifth legislative day of the 1985 Regular Session.

AMENDMENT TABLED

On motion of Rep. Holmes, the amendment offered by Rep. Brooks to the bill, H. 670 as amended, was tabled.

Yeas 55; Nays 35.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Fuller, Goodwin, Grayson, Hall, Harvey, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Lauderdale, Lindsey, McDowell, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Rogers, Smith, Spratt, Thomas, Trammell, Warren, White (F) and White (L).

—55

Nays:

Reps.: Adams, Bachus, Beers, Box, Brooks, Butler, Carter, Cosby, Faulk, Flowers, Gaston, Hammett, Harper, Hettinger, Hooper, Kvalheim, Laird, McKee, McMillan, McNair, Mikell, Payne, Penry, Poole, Preuitt, Rains, Rice, Sasser, Seibels, Starkey, Starr, Turnham, Venable, White (G) and Zoghby.

—35

AMENDMENT OFFERED

Rep. Hooper offered the following amendment to the bill, H. 670 as amended:

Amend H. B. 670, page 7, Section 8, line 7 by adding the following language after the word "professionals"

and all support personnel

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 11.

Yeas:

Reps.: Adams, Bachus, Beers, Biddle, Boles, Brooks, Bryant, Burke, Buskey (John), Butler, Carter, Clark (W), Cosby, Davis, Dutton, Escott, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, McKee, McMillan, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Penry, Perdue, Poole, Pratt, Rains, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—63

Nays:

Reps.: Albright, Blake, Bowling, Browder, Bugg, Clark (D), Coburn, Crow, Grayson, Marietta and Rice.

—11

AMENDMENT OFFERED

Rep. Bachus offered the following amendment to the bill, H. 670 as amended:

Amend House Bill 670 on page 4, line 27, by inserting and adding the following language between the words "governor," and the word "and":

five members appointed by the Alabama Parent-Teacher Association

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 13.

Yeas:

Reps.: Adams, Bachus, Beers, Boles, Brakefield, Brooks, Bryant, Burke, Buskey (John), Carter, Clark (W), Cosby, Faulk, Flowers, Fuller, Gaston, Grayson, Hammett, Harper, Harvey, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, McKee, McMillan, Melton, Mikell, Moore, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turnham, Warren, White (F), White (G) and Zoghby.

—55

Nays:

Reps.: Blake, Bugg, Davis, Dutton, Gray, Horn, McNair, Marietta, Mitchell, Newman, Nicholson, Onderdonk and Turner.

—13

AMENDMENT OFFERED

Rep. Flowers offered the following amendment to the bill, H. 670 as amended:

Amend House Bill 670 on Page 4, Section 5, Subsection (a), line 27 after the comma by inserting the following:

the Dean of the House of Representatives, Representative Pete Turnham,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, McKee, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Rogers,

Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—78

AMENDMENT OFFERED

Rep. Adams offered the following amendment to the bill, H. 670 as amended:

Amend House Bill 670 in Section 4, page 3, line 29 after the word “implemented” by inserting the following: “subject to sufficient appropriations”.

Further amend House Bill 670 in Section 4, page 3, line 30 by deleting the following:

“the Governor’s recommended”

and inserting in lieu thereof the words “any other”.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—83

AMENDMENT OFFERED

Rep. Adams offered the following amendment #2 to the bill, H. 670 as amended:

Amend House Bill 670 in Section 5 (a) on page 4, line 24 by inserting after the words “Alabama Education Association,” the following:

“the executive director of the Alabama Council of School Administrators and Supervisors,”.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Flowers, Fuller, Gaston,

Goodwin, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—82

Nay: Rep. Dutton.

—1

AMENDMENT OFFERED

Rep. Adams offered the following amendment #3 to the bill, H. 670 as amended:

To amend House Bill 670 on page 4, Section 5, line 16 by deleting “(a)”.

Further amend House Bill 670 on page 5, Section 5 by deleting lines 4 through 8 in their entirety.

AMENDMENT TABLED

On motion of Rep. Browder, the amendment #3 offered by Rep. Adams to the bill, H. 670 as amended, was tabled.

Yeas 41; Nays 33.

Yeas:

Mr. Speaker, Albright, Biddle, Black, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Coburn, Escott, Fuller, Goodwin, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Lauderdale, Lindsey, Melton, Mitchell, Newman, Onderdonk, Parker, Poole, Rains, Smith, Starkey, Thomas, Turner, Warren and White (F).

—41

Nays:

Reps.: Adams, Bachus, Beers, Brooks, Butler, Carothers, Carter, Cosby, Faulk, Flowers, Gaston, Hammett, Harper, Hettinger, Kvalheim, Laird, McKee, McMillan, Mathis, Mikell, Nicholson, Payne, Penry, Preuitt, Rice, Sasser, Seibels, Starr, Turnham, Venable, White (G), White (L) and Zoghby.

—33

AMENDMENT OFFERED

Rep. Adams offered the following amendment #4 to the bill, H. 670 as amended:

To amend House Bill 670 in the synopsis on page 1 by deleting lines 20 through 23 in their entirety and inserting in lieu thereof the following:

“on higher education; and to provide for appropriations to the Alabama Commission on Higher Education and the State Board of Education.”.

Further amend House Bill 670 on page 2 line 13 after the word "education;" by deleting the following:

"creating and providing for the governor's educational reform commission;"

Further amend House Bill 670 on page 2 by deleting lines 26 and 27 in their entirety and renumbering accordingly.

Further amend House Bill 670 on page 3, Section 4 by deleting lines 33 and 34 in their entirety and renumbering accordingly.

Further amend House Bill 670 on page by deleting Sections 5, 6, 7, and 8 in their entirety and renumbering accordingly.

Further amend House Bill 670 on page 14, Section 18 (a) line 24 after the word "the" by deleting the following:

"governor's educational reform commission" and inserting in lieu thereof the following:

"State Board of Education".

Further amend House Bill 670 in Section 18 (a) on page 14 line 34 by deleting the words "recommended by the commission and".

AMENDMENT TABLED

On motion of Rep. Holley, the amendment #4 offered by Rep. Adams to the bill, H. 670 as amended, was tabled.

Yeas 48; Nays 26.

Yeas:

Mr. Speaker, Albright, Beers, Biddle, Black, Blake, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Fuller, Goodwin, Holley, Holmes, Horn, Johnson (Roy), Junkins, Lauderdale, Lindsey, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Turner, White (F) and White, (G).

—48

Nays:

Reps.: Adams, Bachus, Brooks, Butler, Carothers, Cosby, Flowers, Gaston, Hammett, Harper, Kvalheim, Laird, McKee, McMillan, Mathis, Mikell, Payne, Penry, Preuitt, Rains, Rice, Sasser, Seibels, Venable, White (L) and Zoghby.

—26

AMENDMENT OFFERED

Rep. Adams offered the following amendment #5 to the bill, H. 670 as amended:

Amend HB 670 in Section 5(b) on page 5 after line 8 by adding the following:

"It is provided, however, that the members of said Commission who are employed by any educationally related connection shall not receive travel and per diem expenses."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Penry, Perdue, Poole, Rains, Rice, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—74

Nay: Rep. Albright.

—1

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, H. 670 as amended:

Amend H. B. 670 on page 16, Section 5, line 28 by striking after the word "provided" the following:

the period and inserting in lieu thereof, the following:

provided however that one of the governor's appointees shall be a member of the Alabama Association of Colleges of Teacher Education.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 6.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Boles, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Butler, Carter, Clark (D), Clark (J), Cosby, Crow, Davis, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Mathis, Penry, Perdue, Poole, Rains, Rice, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—63

Nays:

Reps.: Blake, Brooks, Junkins, Newman, Nicholson and Parker.

—6

AMENDMENT OFFERED

Rep. Gaston offered the following amendment to the bill, H. 670 as amended:

Amend H. 670, Section 5, page 4, line 25, after the word "education" and the comma, by inserting the following:

three high school students to be appointed by the governor,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 46; Nays 10.

Yeas:

Mr. Speaker, Albright, Boles, Brooks, Burke, Butler, Carothers, Carter, Clark (J), Cosby, Davis, Faulk, Gaston, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (Roy), Kvalheim, Mathis, Moore, Payne, Penry, Perdue, Poole, Rains, Rice, Rogers, Sasser, Seibels, Smith, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, and Zoghby.

—46

Nays:

Reps.: Bachus, Biddle, Blake, Brakefield, Browder, Bryant, Crow, Junkins, Newman and Nicholson.

—10

AMENDMENT OFFERED

Rep. McMillan offered the following amendment to the bill, H. 670 as amended:

Amend H. 670, page 7, line 12, after the semi-colon by striking and , and on line 18, after the word "Session" by changing the period to a semi-colon and adding the word and

And on page 7, immediately following line 18, by adding a subsection (k) to read as follows:

(k) To study and make recommendations to the Governor and Legislature concerning whether or not the position of county superintendent of education should be an elective office or an appointive office.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 5.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Bowling, Brakefield, Britnell, Brooks, Burke, Butler, Carothers, Carter, Clark (J), Cosby, Davis, Escott, Gaston, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Johnson (R.G.), Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Mathis, Mitchell, Newman, Payne, Penry, Perdue, Poole, Preuitt, Rains, Rice, Rogers, Sasser, Seibels, Smith,

REGULAR SESSION
18th Day

1025

Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (G), and Zoghby.

—59

Nays:

Reps.: Blake, Junkins, Moore, Nicholson and Onderdonk.

—5

AMENDMENT OFFERED

Rep. Hooper offered the following amendment #2 to the bill, H. 670 as amended:

Amend H. 670, page 7, line 15 after the word “program” by adding the following language:

and merit pay play

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 41; Nays 25.

Yeas:

Reps.: Adams, Bachus, Beers, Biddle, Boles, Brooks, Browder, Butler, Carter, Cosby, Escott, Faulk, Gaston, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (Roy), Kvalheim, Laird, McKee, McMillan, Melton, Mikell, Payne, Penry, Poole, Preuitt, Rains, Rice, Sasser, Seibels, Smith, Starkey, Starr, Trammell, Venable, White (G), and Zoghby.

—41

Nays:

Reps.: Albright, Black, Blake, Brakefield, Britnell, Bryant, Buskey (James), Buskey (John), Clark (W), Crow, Davis, Goodwin, Grayson, Horn, Junkins, Lauderdale, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Rogers, Thomas and Warren.

—25

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 670 as amended:

To include house members who are ex-wrestlers.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 5.

Yeas:

Reps.: Adams, Albright, Biddle, Black, Boles, Brakefield, Brooks, Bryant, Burke, Buskey (John), Butler, Carter, Clark (W), Cosby, Davis, Faulk, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McKee, McMillan, Marietta, Mathis, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Rogers,

Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren and White (L).

—61

Nays:

Mr. Speaker, Bachus, Blake, Mitchell and White (G).

—5

AMENDMENT OFFERED

Rep. Bugg offered the following amendment to the bill, H. 670 as amended:

Amend H. B. 670 by adding !

: the college teacher placed on the Commission be the president of the Association of College English Teachers of Alabama.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 6.

Yeas:

Mr. Speaker, Biddle, Black, Boles, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holmes, Hooper, Horn, Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Mathis, Newman, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren and Zoghby.

—64

Nays:

Reps.: Bachus, Blake, Butler, Mitchell, Nicholson and White (G).

—6

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 670 as amended:

Page 7, Section 8, Line 7 after the word laws, after the word "laws" add:

"and teacher certification"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Biddle, Blake, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (J), Cosby, Crow, Davis, Faulk, Gaston, Grayson, Hall, Hammett,

REGULAR SESSION
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Harper, Harvey, Hettinger, Horn, Johnson (R.G.), Junkins, Laird, Lauderdale, Lindsey, McKee, McNair, Mathis, Mitchell, Newman, Parker, Payne, Perdue, Poole, Pratt, Rains, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren and Zoghby.

—59

Nay: Rep. Nicholson.

—1

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 670 as amended:

Amend House Bill 670 on page 14 by deleting Section 18 in its entirety and inserting a new Section 18 as follows:

“Section 18. The State Board of education shall develop and implement a plan for in-service education.”

AMENDMENT TABLED

On motion of Rep. Holley, the amendment offered by Rep. Harper to the bill, H. 670 as amended, was tabled.

Yeas 36; Nays 19.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Bowling, Brakefield, Britnell, Brooks, Browder, Bugg, Butler, Clark (D), Clark (J), Coburn, Crow, Escott, Goodwin, Grayson, Harvey, Holley, Johnson (Roy), Junkins, Lauderdale, Lindsey, Mathis, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Smith, Spratt and Thomas.

—36

Nays:

Reps.: Beers, Cosby, Faulk, Gaston, Hammett, Harper, Hooper, Kvalheim, McKee, McMillan, Penry, Preuitt, Rains, Rice, Sasser, Seibels, Venable, White (G) and Zoghby.

—19

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the bill, H. 670 as amended:

A BILL
TO BE ENTITLED
AN ACT

Relating to educational reform; providing for a comprehensive plan for improving instruction in science, mathematics, computer education and other designated critical areas; providing for a scholarship loan program to attract able students into the teaching profession in subjects of mathematics, science, computer education and other critical areas; providing a program for certified teachers to add to their certificate mathematics, science, computer education and other critical areas; providing a program whereby provisionally certified persons with extensive preparation in mathematics, science and computer education may serve as an emergency source of teach-

ers; providing rigorous in-service training for public school personnel; amending Sections 16-23-18, 16-23-20, 16-23-21 and 16-23-23, Code of Alabama 1975, and repealing Section 16-23-19, Code of Alabama 1975, all relating to emergency secondary education scholarships, so as to transfer authority for the administration of the scholarships from the state board of education to the Alabama commission on higher education; creating and providing for the governor's educational reform commission; and providing for appropriations to carry out the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the Educational Reform Act of 1984.

Section 2. For purposes of this act, the following terms shall have the respective meanings ascribed to them by this section:

- (1) A.C.H.E. The Alabama commission on higher education.
- (2) BOARD OR BOARD OF EDUCATION. The state board of education.
- (3) COMMISSION. The governor's educational reform commission created by this act.
- (4) CRITICAL NEEDS AREAS. Those curriculum and teaching areas where there is an urgent need for action. These areas include mathematics, science, computer education and other areas to be identified from time to time by the state board of education.
- (5) IN-SERVICE EDUCATION. The training of regularly certified education professionals who hold positions in the public schools of the state.
- (6) LOCAL EDUCATIONAL AGENCIES. County and city boards of education and the school systems over which these boards of education have authority.
- (7) PLAN FOR EXCELLENCE. A Plan for Excellence; Alabama's Public Schools, a report to the Alabama State Board of Education, Governor George C. Wallace, President and to the Legislature and People of Alabama dated January 12, 1984.
- (8) SUPERINTENDENT. The Alabama state superintendent of education.

Section 3. The legislature finds that a true need exists within the state for improving education. In furtherance of this goal, a "plan for excellence" and other reform reports have been submitted to the legislature and the governor, including therein numerous recommendations that we strongly endorse. It is the intent of the legislature to promote and support the governor's recommended program for improving education. It is further the intent of the legislature that the elements of the governor's program be implemented and that every effort be made to utilize appropriations provided herein and otherwise recommended for each of these areas. It shall be incumbent upon and the responsibility of each board of education, superintendent, principal and teacher to help provide the implementation of the program.

Section 4. The governor's program for improving education shall be implemented subject to sufficient appropriations as provided for herein or as provided for in any other appropriation legislation for public education

in the state. Such program shall include, but not be limited to, the following:

- (1) Establishment of the governor's educational reform commission;
- (2) Development of a comprehensive plan for improving courses in critical needs areas;
- (3) Authorization for an emergency source of teachers in critical needs areas;
- (4) Provision for a scholarship loan program for undergraduate students enrolled in critical needs areas;
- (5) Establishment of a tuition grant program for presently certified teachers to add critical needs areas;
- (6) Development of regional in-service education centers for teachers in critical needs areas.
- (7) Increase in teacher salaries;
- (8) Full statewide kindergarten program;
- (9) Replacement of school buses;
- (10) Library enhancement;
- (11) Burned-out schools program.

Section 5. (a) There is hereby created the governor's educational reform commission. Such commission shall be composed of the governor, the state superintendent of education, the president of the Alabama parent-teacher association, the executive director of the Alabama education association, the executive director of the Alabama association of school boards, the executive director of the Alabama commission on higher education, the president of the Alabama Education Association, the executive director of the Alabama Council of School Administrators and Supervisors, the chancellor of post-secondary education, one member of the senate appointed by the governor, one member of the house of representatives appointed by the governor, and three members appointed by the governor as hereinafter provided. Within 90 days after the passage of this act, the governor shall appoint the aforementioned three members to the commission. Members by virtue of their position shall serve on the commission as long as they serve in their respective position. Members appointed by the governor shall serve at the pleasure of the governor. Vacancies shall be filled in the same manner as the original appointments were made.

(b) To fund the duties and responsibilities enumerated in this act for said commission, there is hereby appropriated to the governor's educational reform commission from the Alabama special educational trust fund the sum of 100,000.00 for the fiscal year ending September 30, 1985. Provided, however, that members of the commission employed by Educational entities shall not be eligible to receive the travel per diem and expense reimbursement.

Section 6. (a) The governor shall designate one member of the commission as the chairperson. Such chairperson shall call the meetings of the commission.

(b) The commission may hold such meetings as it may deem necessary. The commission shall adopt rules for its organization in the conduct of its

business. A majority of the members of the commission shall constitute a quorum at all its meetings.

(c) Meetings of the commission shall receive the per diem and travel expenses allowed by law for state officers and employees while engaged in the performance of their duties.

(d) The commission is authorized to employ such staff as are necessary to assist the commission in performing the duties required by this act. The number of employees, their compensation and the other expenditures of the commission shall be within the limits and in compliance with the appropriation made therefor by the legislature and within budgets that shall be approved from time to time by the commission.

Section 7. The commission may study all levels of public education and shall monitor the incorporation of educational reform legislation into existing school programs. It shall also serve in an advisory capacity to the governor and the legislature in respect to all existing and future reform legislation and means of funding such programs. One year after the effective date of this act, and each year thereafter, the commission shall make an annual report to the governor and to the legislature; however, upon the request of either the governor or legislature, reports may be made at any time. The commission shall be dissolved at the end of three years unless otherwise continued by resolution of the legislature.

It is the express intent of the legislature that the commission not duplicate any responsibilities of the state board of education.

Section 8. In addition but not limited to the powers and duties otherwise specified in this act, the commission shall have the following duties:

(a) To study and make recommendations to the governor and the legislature concerning mechanisms for increasing financial support of public education;

(b) To study and make recommendations to the governor and the legislature concerning the state funding formula, including consideration of incentive plans to increase local support;

(c) To study and make recommendations to the governor and legislature concerning capital outlay needs of public education in the state;

(d) To study and make recommendations to the governor and legislature concerning the development of summer camp programs for public school students;

(e) To study and present recommendations to the governor and legislature concerning mathematics, science, and other critical needs areas;

(f) To study and make recommendations to the governor and the legislature concerning the development of a statewide system of teaching excellence awards;

(g) To study and make recommendations to the governor and the legislature concerning the development of a statewide performance evaluation system for professional educators;

(h) To study and make recommendations to the governor and the legislature concerning the Alabama tenure laws for education professionals in the public schools in this state;

(i) To study and make recommendations to the governor and the legis-

lature concerning regional in-service education centers in existing institutions of higher education; and

(j) To study and make recommendations to the governor and the legislature concerning the development of a career ladder program for all regularly certified education professionals in the public schools of this state. The commission shall recommend its program no later than the fifth legislative day of the 1985 Regular Session.

Section 9. (a) The state board of education shall develop and establish a comprehensive plan for improving courses in science, mathematics, computer education and other critical needs areas. In developing such plan, the superintendent shall consult with teacher organizations, school personnel, legislative leaders, the governor's office, representatives from private industry, public and private higher education and from the fields of education, mathematics, science and computer education. Such program shall be divided into three phases with the first phase being introduced at the beginning of the 1985-1986 school year and another phase to begin each of the following two years. The entire program should be operative at the end of three years.

(b) The comprehensive plan shall provide a framework for the preparation and approval of programs, provide direction for program development and shall include the following provisions:

(1) Identification of curricular goals and expected outcomes;

(2) Preparation of instructional materials lists;

(3) Development of descriptions and cost estimates for providing curricular development, laboratories, equipment, supplies and facilities to implement programs for improvement in school systems or individual schools;

(4) Development of recommended course content to satisfy the new requirements for high school graduation. Consideration shall be given to student goals and needs;

(5) Development of a plan for continuous monitoring and evaluation of the programs, including classroom instructional needs as identified by teachers; and

(6) Solicitation of proposals and funding those programs that meet high standards of excellence.

Section 10. (a) Local school boards are hereby authorized, pursuant to rules and regulations established by the state board of education, to employ provisionally certified persons from business, industry or other areas or military retirees who have extensive preparation in mathematics, science, computer education and other critical needs areas for a period not to exceed one year with a limit of three years total employment. Such persons may be employed provided:

(1) They have at least a bachelor's degree in the subject they are assigned to teach;

(2) They complete a 50-clock hour preparation in-service program to include orientation to the secondary school, nature of adolescent students, and instructional techniques specifically related to the subject to be taught;

(3) There are no regularly certified teachers available to teach the course to be taught by these persons;

(4) They are evaluated regularly and offered proper guidance by their supervisors; and

(5) They continue to earn credits each of the three years toward proper certification.

(b) The contract of any provisionally certified person may be renewed from year to year for a maximum of three years, if acceptable progress, including but not limited to academic work each summer, has been made toward certification.

(c) The time served as a provisionally certified teacher under this section shall not count toward time earned for tenure.

(d) The employment of provisionally certified teachers under this section shall serve to supply an emergency source of teachers in critical needs areas and shall not be considered a permanent means of acquiring teachers in any area.

Section 11. There is hereby established a program for scholarship loans to provide for the education of qualified undergraduate students who are enrolled in teacher education programs in the fields of mathematics, science, computer education and other projected critical needs areas at institutions where the teacher education programs have been approved by the state department of education. For the first year of the scholarship loan program, at least 80 percent of the funds awarded for such loans shall be awarded in the areas of mathematics, science and computer education. Remaining funds shall be available for teacher shortages in other critical areas. The state board of education shall designate the critical areas other than mathematics, science and computer education when they exist. The responsibility and authority for administering the scholarship loan program is hereby vested in the Alabama commission on higher education.

Section 12. To be eligible for a scholarship loan, an applicant shall:

(1) Be a full-time undergraduate student at the upper division level in a teacher education program approved by the board;

(2) Have entered into an agreement with the state board of education to teach in the public schools of Alabama for three years following completion of the teacher education requirements; and

(3) Have a record of high performance in the area of certification.

Section 13. (a) Each scholarship loan shall be in an amount not to exceed \$4,000 per annum and shall be for not more than two years.

(b) Any scholarship loan extended under this act may be repaid to the Alabama commission on higher education in cash in full with interest at the prevailing rate annually from the date of completion of the teacher education program of studies. Repayments in full must be completed within ten years of the completion of the program of studies.

(c) The scholarship loan or any part thereof may be repaid by service in the teaching of mathematics, science, computer education and other projected critical areas, as determined by the state board of education. Payment credit for one year of a scholarship loan shall be granted for each three school years of teaching in the public schools of the state.

(d) Any scholarship loan recipient who fails to complete a program of study or who fails to teach in a public school of the state as required by this

act shall repay all loan amounts immediately with interest at the prevailing rate annually from the date of his withdrawal or removal.

(e) Each recipient of a scholarship loan under the provisions of this act shall enter into an agreement with the Alabama commission on higher education whereby he agrees to teach mathematics, science, computer education or other critical subject areas as determined by the state board of education in the public schools of the state. Any breach of contract on the part of the recipient makes him immediately liable for the unpaid balance of his loan. The attorney general or any district attorney, upon the request of the Alabama commission on higher education, shall institute proceedings in the name of the state for the purpose of recovering any amount due the state under the provisions of this act. In the event of death or total and permanent disability of the recipient to teach, repayment of the loan may be excused by the Alabama commission on higher education.

Section 14. The Alabama commission on higher education shall have the authority to make reasonable rules and regulations for implementing and carrying out the provisions of this act relating to the scholarship loan program.

Section 15. The Alabama commission on higher education shall implement a tuition grant program for certified teachers. Tuition grants in institutions of higher education for adding mathematics, science, computer education or other critical needs areas to their certificates shall be provided to able teachers certified in subject areas where there is a surplus of teachers. The Alabama commission on higher education shall adopt rules to implement the mathematics, science, computer education or other critical needs areas tuition reimbursement program. Any full-time regularly certified public school teacher shall be eligible for this program. Tuition reimbursement shall be limited to courses in mathematics, science, computer education or other critical areas as determined by the board. Such courses shall be graduate level courses leading to a new certification area or approved undergraduate courses leading to a new certification area. Participants may receive tuition reimbursements not to exceed 36 semester or 54 quarter hours in an approved teacher education program in Alabama. All reimbursements will be contingent on the participant's maintaining a B average on all work attempted. Teachers participating in the tuition reimbursement program shall be eligible for all summer programs and other programs and incentives open to mathematics, science and computer education teachers.

Section 16. Sections 16-23-18, 16-23-20, 16-23-21, and 16-23-23, Code of Alabama 1975, are hereby amended to read as follows:

“§ 16-23-18.

“The state board of education Alabama Commission on higher education shall establish a scholarship program entitled, ‘emergency secondary education scholarships.’ The scholarship fund shall be limited to \$50,000.00 annually appropriated from the Alabama special educational trust fund. The state board of education Alabama commission on higher education shall be responsible for determining the number of scholarships to be awarded and the amount designated for each scholarship recipient. The amount of each scholarship may vary according to the cost of attendance at various institutions of higher education in Alabama. The scholarships shall cover the cost of tuition, room, board and books, with a minimum dollar amount approved by the state superintendent of education.

“§ 16-23-20.

~~"The the-state superintendent-of-education executive director of the Alabama commission on higher education shall recommend scholarship selection criteria and applicant screening procedures for approval by the state board-of-education Alabama commission on higher education. The office of the state-superintendent executive director of the Alabama commission on higher education shall serve as the receiving office for scholarship applications. The state-superintendent executive director of the Alabama commission on higher education shall develop an application form and shall have the responsibility for circulating the form to all high-school guidance-offices, city and county superintendent offices and offices of the deans and directors of education at Alabama's institutions of higher education. The state-board of-education Alabama commission on higher education, upon recommendation of the state-superintendent executive director, shall approve the annual scholarship recipients.~~

~~"§ 16-23-21.~~

~~"Each scholarship recipient must sign a letter of commitment to the state board-of-education Alabama commission on higher education agreeing that upon graduation he or she will teach one two full years of secondary mathematics, chemistry, physics, biology or general science or computer education in the public secondary schools of Alabama for every full year or partial year the scholarship is received. The letter of commitment shall be binding upon the recipient. The letter of commitment shall include a penalty clause stating that if the recipient discontinues study in secondary mathematics, physics, chemistry or general science education, or fails to teach the required number of years in the public schools, the recipient must repay to the state within five years the total amount of scholarship funds received plus interest at a rate agreed by the state board of education and the recipient at the time the scholarship was granted. Said letter of commitment shall be considered a legal contract and the state-board-of-education Alabama commission on higher education shall pursue necessary legal action to enforce the contract.~~

~~"In addition, should scholarship recipients who have completed their teacher training with the assistance of the scholarship program and have been awarded a certificate to teach fail to comply with the conditions of the letter of compliance, the state superintendent of education shall be authorized to revoke the teaching certificate of the recipients.~~

~~"§ 16-23-23.~~

~~"Upon this section becoming law, the state-board-of-education and-the state-superintendent-of-education Alabama commission on higher education and its executive director shall be authorized to take all necessary administrative action and promulgate rules and regulations to carry out the intent and purpose of this chapter."~~

Section 17. There is hereby appropriated from the Alabama special educational trust fund for the fiscal year beginning October 1, 1984, to the Alabama commission on higher education the sum of \$1,000,000 to fund the provisions of Sections 11 through 16 of this act. All moneys shall remain in the Alabama special educational trust fund until obligations have been incurred under the provisions of Sections 11 through 16 hereof.

Section 18. (a) A comprehensive plan shall be established by the governor's educational reform commission and implemented for the development and location of in-service education centers for the purpose of providing rigorous in-service training in critical needs areas for the state's public

school personnel. These in-service centers shall not replace the plan for in-service education which the state department of education adopted by resolution on June 14, 1978. The in-service centers established pursuant to this act shall be located in existing institutions of higher education located in strategic areas of the state as recommended by the commission and approved by the governor. Institutions of higher education where such in-service centers may be located shall have resident faculty members in education and the academic areas taught in the public schools.

(b) A governing board shall be organized for each in-service center. The governing board of each center shall include representatives from the state department of education, teachers and administrators from the local school systems and the institution of higher education where the center is located. Such governing board shall, in cooperation with the staff of the state department of education, determine policy, programs and hours of operation of the particular in-service center.

(c) The in-service centers provided for in this section shall:

(1) Provide a number of days' training each year, usually in the summer, for instructional personnel in critical needs areas;

(2) Be open at a specified time during the year for use;

(3) Provide specialized help to instructional personnel;

(4) Have a director named from the local institution's faculty; and

(5) Serve as a data-gathering center for research in areas of public education. Local university, college or community college personnel shall be utilized to conduct the research.

(d) Each local school system shall affiliate with the in-service center in its region and shall participate in the planning of written programs for public school personnel in the area.

(e) All in-service centers shall be fully operative by July 1, 1985.

(f) To carry out the provisions of Section 18 of this act, there is hereby appropriated from the Alabama special educational trust fund the sum of \$500,000 for the fiscal year ending September 30, 1985.

Section 19. Local education agencies shall establish with each regularly certified professional a contract of employment which is no less than 185 days in length, subject to sufficient legislative appropriations over and beyond any cost-of-living raise provided by the legislature. No less than five days of the 185 contract days shall be used for in-service and professional development activities.

Section 20. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 21. All laws or parts of laws which conflict with this act are hereby repealed, and Section 16-23-19, Code of Alabama 1975, is hereby specifically repealed.

Section 22. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Penry to

postpone further consideration of the bill, H. 670 as amended and the pending substitute to the nineteenth legislative day, was tabled.

Yeas 57; Nays 27.

Yeas:

Mr. Speaker, Albright, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Goodwin, Gray, Grayson, Hall, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McNair, Marietta, Mitchell, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Reed, Smith, Starkey, Tanner, Thomas, Turner, Warren, White (F), White (G) and Zoghby.

—57

Nays:

Reps.: Adams, Boles, Brooks, Butler, Carothers, Coleman, Cosby, Gaston, Hammett, Harper, Johnson (R.G.), Laird, McKee, McMillan, Mathis, Melton, Penry, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Trammell, Turnham, Venable, and White (L).

—27

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Johnson (Roy) to the bill, H. 670 as amended, and the substitute was adopted.

Yeas 83; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—83

Nays: Reps.: Brooks and Harper.

—2

AMENDMENT OFFERED

Rep. Hooper offered the following amendment to the bill, H. 670 as amended:

Amend H. 670, page 7, line 15 after the word "program" by adding the following language:

and merit pay plan

SUBSTITUTE AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following substitute amendment to the amendment offered by Rep. Hooper to the bill, H. 670 as amended:

Amend the Substitute to H. 670, page 7, line 15, after the word "ladder" by inserting merit pay plan

And on page 7, line 16, after the period by striking the remainder of line 16 and by striking lines 17 through 18 in their entirety.

SUBSTITUTE AMENDMENT ADOPTED

And the substitute amendment was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—89

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 670 as amended:

Amend House Bill 670 on page 14 by deleting Section 18 in its entirety and inserting a new Section 18 as follows:

"Section 18. The State Board of Education shall develop and implement a plan for in-service education. There is hereby appropriated \$500,000 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1985 to the State Board of education to implement the provisions of this Section."

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Harper to the bill, H. 670 as amended, was tabled.

Yeas 64; Nays 14.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Fuller, Goodwin, Hall, Harvey, Hettinger, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Reed, Rice, Richardson,

Smith, Starkey, Tanner, Thomas, Trammell, Turner, Warren, White (F) and Zoghby.

—64

Nays:

Reps.: Cosby, Faulk, Gaston, Hammett, Harper, Hooper, Kvalheim, McKee, Payne, Rains, Sasser, Seibels, Venable and White (G).

—14

And the bill, H. 670, as thus amended was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 9.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Faulk, Flowers, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—90

Nays:

Reps.: Cosby, Gaston, Harper, Kvalheim, McKee, Rains, Rice, Sasser and Seibels.

—9

H. 405 TAKEN UP

And the bill:

H. 405. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years of age to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

Which was temporarily postponed on the sixteenth legislative day, was taken up.

SUBSTITUTE OFFERED

Rep. Beers offered the following substitute to the bill, H. 405:

A BILL TO BE ENTITLED AN ACT

To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than seventeen years eight months to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known as and may be cited as "The Parental Right to Notification of Minor's Abortion Act."

Section 2. For purposes of this Act, the following words shall have the meanings respectively ascribed to them by this section:

(1) **ABORTION:** (a) The termination of pregnancy by instrument, medicine, drug, or any other substance or device for the purpose of preventing the development of a fetus as a live human being, or (b) the use or administration of a suction device or intra-amniotic injection for the purpose of terminating pregnancy and preventing the development of a fetus as a live human being. The instruments, medicines, drugs, and other substances and devices referenced above do not include intra-uterine devices.

(2) **ABORTION PRACTITIONER:** An individual person (regardless of whether he is licensed to practice medicine) or any private legal entity by whom such person is employed, which undertakes or authorizes, impliedly or otherwise, the performance of abortion. Such term shall not be construed to include a woman terminating or attempting to terminate her own pregnancy.

(3) **UNEMANCIPATED:** Unmarried and living under the care and custody of a parent or legal guardian, or receiving more than 50% of support from her parent or a legal guardian.

(4) **MINOR:** Any person under the age of 17 years, eight months.

(5) **ACTUAL NOTICE:** The giving of notice directly, in person or by telephone.

(6) **CONSTRUCTIVE NOTICE:** The giving of notice by certified mail to the last known address of a parent or legal guardian.

Section 3. No abortion practitioner shall perform an abortion upon an unemancipated minor unless he or his agent has given at least twenty-four (24) hours actual notice to one of her parents or to a legal guardian of the minor pregnant woman of his intention to perform the abortion or, if a parent or guardian cannot be reached after a reasonable effort to find them, without first having given at least forty-eight (48) hours constructive notice computed from the time of mailing to one of the parents or to a legal guardian of the minor. A minor who objects to notice being given her parent or legal guardian under this section may petition, on her own behalf or by next friend, the district court in the county in which the abortion is to be performed for a waiver of the notice requirement of this section pursuant to the procedures of Section 4 of this Act. The period of delay following the provision of notice prescribed by this section may be waived, but only if such waiver is given in writing by one of the parents or legal guardian of the minor.

Section 4. An abortion may be performed on the minor without compliance with Section 3 where a district judge in the county where the abortion is sought authorizes the abortion. The judge of the district court shall, upon petition, and after an appropriate hearing, issue an order authorizing an abortion practitioner to perform an abortion on a minor if such judge determines that:

(1) The minor is sufficiently mature to make the abortion decision on their own, or

(2) The abortion would be in the best interests of the minor.

The minor may participate in the proceedings in the district court on her own behalf, or the court may appoint a guardian ad litem for her. All proceedings and papers filed under this section and the name of the minor involved shall be confidential to protect the privacy of the minor. However, nothing herein shall prevent the records of these proceedings from being deemed public for statistical or other purposes, except to the extent necessary to protect the privacy of the minor involved. Completion of these proceedings shall be given precedence over other pending matters so that the court may reach a decision within forty-eight (48) hours of the time of application. The judge of the district court shall make in writing specific factual findings and conclusions of law supporting his decision. The Administrative Office of Courts shall develop for use in all district courts throughout the state a form pleading which will be available to and may be filed by the minor seeking the judicial hearing prescribed by this Section. Under no circumstances shall financial indigence preclude a minor from obtaining the judicial consideration prescribed by this section or on the appeal hereinafter prescribed by this Section. All costs and fees associated with consideration of the petition and any appeals under this section may be waived if the minor so requests. A confidential expedited appeal shall lie in the circuit court of the county in which the abortion is sought to be performed and the district court shall take such steps as are necessary to make the minor aware of her right to seek appeal and the manner in which such appeal shall be taken in the event the district court refuses to issue the order requested. The notice of intent to appeal shall be given within twenty-four hours from the date of issuance of the order. The record on appeal shall be completed and the appeal shall be perfected within five days from the filing of notice to appeal. The supreme court shall, by court rule, provide for expedited appellate review of cases appealed under this section. The rules provided for in this Section shall be promulgated and effective within 60 days after the effective date of this Act.

Section 5. Section 3 of this Act shall not apply when, in the best clinical judgment of the physician on the facts of the case before him, a medical emergency exists that so complicates the health of the minor as to require an immediate abortion. A physician who does not comply with Section 3 of this Act by reason of this exception shall certify in writing the medical indications on which his judgment was based, and shall advise one of the parents or a legal guardian of the minor about the abortion within 10 days after the abortion unless a waiver of notice is granted by a district or circuit court using the procedures and standards specified in Section 4.

Section 6. Any abortion practitioner found to have violated this Act shall be subject to (1) a civil fine of not less than \$500.00 and not more than \$5,000.00, and (2) an injunction against further such unlawful activity. Jurisdiction over suits brought to enforce this act shall lie in the circuit court. Suits instituted under this Act may be commenced up to one year after a violation occurs.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, provided however, the provisions shall not be enforced against abortion practitioners for 75 days after its effective date.

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SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 62; Nays 15.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Burke, Butler, Carter, Clark (J), Coburn, Coleman, Cosby, Crow, Gaston, Gray, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McNair, Mikell, Mitchell, Moore, Newman, Parker, Payne, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—62

Nays:

Reps.: Black, Bryant, Bugg, Buskey (John), Davis, Grayson, Harper, Holmes, McDowell, McMillan, Marietta, Mathis, Penry, Seibels and White (L).

—15

MOTION TO POSTPONE

Rep. Bowling offered the motion to postpone further consideration of the bill, H. 405 as amended, to the twenty-fifth legislative day.

MOTION TO TABLE

Rep. Beers offered the motion to table the motion to postpone offered by Rep. Bowling.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Tanner that the House adjourn until 12:00 o'clock noon, Tuesday, April 17, 1984, was lost.

MOTION TO TABLE ADOPTED

The question was then on the motion offered by Rep. Beers to table the motion offered by Rep. Bowling to postpone further consideration of the bill, H. 405 as amended, to the twenty-fifth legislative day, and the motion to table was adopted.

Yeas 52; Nays 34.

Yeas:

Reps.: Adams, Bachus, Beers, Biddle, Blakeney, Boles, Britnell, Brooks, Browder, Butler, Carter, Clark (J), Coleman, Crow, Gaston, Gray, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McKee, McNair, Mathis, Mikell, Mitchell, Newman, Parker, Payne, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turner, Warren, White (F) and White (G).

—52

Nays:

Reps.: Albright, Black, Blake, Bowling, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Coburn, Davis, Escott, Fuller, Goodwin, Grayson, Harper, Holmes, Kennedy, Lindsey, McDowell, McMillan, Marietta, Melton, Moore, Nicholson, Onderdonk, Penry, Seibels, Spratt, Thomas, Turnham, White (L) and Zoghby.

—34

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 405 as amended:

Amend Substitute to H. 405, Section 6, page 5, line 6, after the word "Act" by inserting the following:

by the parent or a guardian of the minor involved

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney, Bowling, Britnell, Brooks, Bugg, Burke, Butler, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Warren, White (F), White (G), White (L) and Zoghby.

—77

MOTION TO POSTPONE TABLED

On motion of Rep. Beers, the motion offered by Rep. Onderdonk to postpone further consideration of the bill, H. 405 as amended, to the twentieth legislative day, was tabled.

Yeas 52; Nays 26.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney, Brakefield, Britnell, Brooks, Burke, Butler, Carothers, Carter, Coleman, Cosby, Crow, Flowers, Gaston, Gray, Grouby, Hammett, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, McKee, Mathis, Mikell, Moore, Newman, Nicholson, Payne, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Turner, Turnham, Warren, White (F) and White (G).

—52

Nays:

Reps.: Black, Bowling, Bryant, Bugg, Clark (D), Clark (J), Clark (W), Davis,

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18th Day

1043

Fuller, Grayson, Harper, Holmes, Kennedy, Lindsey, McDowell, Marietta, Melton, Mitchell, Onderdonk, Parker, Penry, Reed, Seibels, Thomas, White (L) and Zoghby.

—26

MOTION TO POSTPONE

Rep. White (L) offered the motion to postpone further consideration of the bill, H. 405 as amended, to the twenty-first legislative day.

MOTION TO TABLE

Rep. Beers offered the motion to table the motion to postpone offered by Rep. White (L).

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Harper that the House adjourn until 12:00 o'clock noon, Tuesday, April 17, 1984, was lost.

Yeas 41; Nays 42.

Yeas:

Reps.: Albright, Bowling, Brakefield, Bryant, Bugg, Clark (D), Clark (J), Clark (W), Coburn, Davis, Escott, Fuller, Goodwin, Grayson, Hall, Harper, Harvey, Holmes, Horn, Johnson (Roy), Kennedy, Lindsey, McDowell, McNair, Marietta, Mathis, Melton, Newman, Nicholson, Parker, Perdue, Reed, Richardson, Rogers, Sasser, Seibels, Spratt, Thomas, Turner, White (L) and Zoghby.

—41

Nays:

Reps.: Adams, Bachus, Beers, Blake, Blakeney, Britnell, Brooks, Burke, Butler, Carothers, Coleman, Cosby, Crow, Faulk, Flowers, Gaston, Gray, Grouby, Hettinger, Holley, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, Mikell, Mitchell, Moore, Onderdonk, Payne, Pratt, Preuitt, Rains, Rice, Smith, Starr, Tanner, Turnham, Warren, White (F) and White (G).

—42

MOTION TO TABLE ADOPTED

The question was then on the motion offered by Rep. Beers to table the motion offered by Rep. White (L) to postpone further consideration of the bill, H. 405 as amended, to the twenty-first legislative day, and the motion to table was adopted.

Yeas 50; Nays 33.

Yeas:

Reps.: Bachus, Beers, Biddle, Blake, Blakeney, Boles, Britnell, Brooks, Burke, Butler, Carothers, Coleman, Cosby, Crow, Faulk, Flowers, Gaston, Gray, Grouby, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, McKee, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Payne, Pratt, Preuitt, Rains, Rice, Sasser, Smith, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F) and White (G).

—50

Nays:

Reps.: Albright, Black, Bowling, Brakefield, Bryant, Bugg, Clark (D), Clark (J), Clark (W), Coburn, Davis, Escott, Fuller, Goodwin, Grayson, Harper, Holmes, Horn, Kennedy, Lindsey, McDowell, Marietta, Melton, Onderdonk, Parker, Penry, Perdue, Richardson, Rogers, Seibels, Spratt, White (L) and Zoghby.

—33

RESOLUTIONS

No objection being offered, the following resolution was introduced:

By Reps.: Blake, Adams, Albright, Bachus, Beers, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 248. WISHING REPRESENTATIVE GEORGE GRIMSLEY A SPEEDY RECOVERY.

WHEREAS, the Alabama Legislature expresses deep regret in the illness of our friend and colleague, Representative George Grimsley, who is hospitalized at Saint Margaret's Hospital in Montgomery; and

WHEREAS, we are extremely hopeful that the prognosis will prove excellent for Mr. Grimsley's complete and speedy recovery, and that he soon will be back with us at the Capitol; and

WHEREAS, during this time of his illness, however, our thoughts and prayers are with George, his wife, Mildred, and their children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the illness of our friend, George Grimsley, and direct that he receive a copy of this resolution that he may know of our concern and that his quick return to good health is foremost in our minds and hearts.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 248, was adopted.

Also:

No objection being offered, the following resolution was introduced:

By Reps.: Crow, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller,

Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 249. WISHING MR. JAMES J. CAMPBELL A SPEEDY RECOVERY.

WHEREAS, the Alabama House of Representatives expresses deep regret in the illness and hospitalization of Mr. James J. Campbell; and

WHEREAS, Mr. Campbell is the father of our good friend and colleague, Representative Jim Campbell, and his father's illness is, of course, of great concern to us all; and

WHEREAS, we are hopeful, however, that the prognosis will prove excellent for Mr. Campbell's complete and speedy recovery, and that he soon will be able to return home; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the illness of Mr. James J. Campbell and wish for him the speediest possible return to good health.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to our friend, Jim Campbell, that he may let his father and other family members know that our thoughts and prayers are with them during Mr. Campbell's illness.

On motion of Rep. Crow, the rules were suspended and the resolution, H. J. R. 249, was adopted.

Also:

No objection being offered, the following resolution was introduced:

By Rep. White (L):

H. J. R. 250. COMMENDING AND CONGRATULATING THE DADEVILLE, ALABAMA, KIWANIS CLUB ON THE OCCASION OF ITS 50TH ANNIVERSARY.

WHEREAS, the Alabama Legislature congratulates, with highest commendation, the Dadeville, Alabama, Kiwanis Club on its forthcoming 50th Anniversary on May 29, 1984; and

WHEREAS, the Dadeville Kiwanis Club was chartered on May 29, 1934, and is a local chapter of Kiwanis International, a federation of business and professional men's civic service clubs since 1915; and

WHEREAS, the Dadeville Kiwanians are indeed to be commended for fifty years of participation and support of the numerous worthy projects and programs of Kiwanis International, including sponsorship of Key Club honorary for outstanding high school boys, their involvement in public and business affairs and for their support of churches in their spiritual aims, among many other endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That we hereby both congratulate and commend the Dadeville, Alabama, Kiwanis Club, and all its members, on the Club's 50th Anniversary.

BE IT FURTHER RESOLVED, That a copy of this resolution of commendation be forwarded to Mr. Larry Gordon, president, that the Dadeville Kiwanians may know of our congratulations and warm best wishes for an additional 50 years of civic and community service.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 250, was adopted.

Also:

No objection being offered, the following resolution was introduced:

By Reps. Rice and Turnham:

H. J. R. 251. MOURNING THE DEATH OF MR. ISAAC JUDSON SCOTT OF OPELIKA, ALABAMA.

WHEREAS, the Alabama Legislature regrettably records the death of Mr. Isaac Judson Scott of Opelika, Alabama, on April 3, 1984, at the age of 84 years; and

WHEREAS, Mr. Scott, though a native of Rockdale County, Georgia, had resided in Opelika since 1924 and his marriage to the former Miss Frances Morgan of that city; and

WHEREAS, Mr. Scott attended the Georgia public schools, the University of Georgia and Emory University; he was in former association with an Atlanta construction firm, in later partnership with other family members, and was the owner of a construction firm of national prominence which he founded in 1957; and

WHEREAS, in addition to the business community, Mr. Scott also greatly contributed in numerous other areas of civic and statewide concern; he was an original member and major longtime supporter of the Opelika Industrial Board, and served on the State Planning and Industrial Development Board and with the Governor's 100 Group; and

WHEREAS, Mr. Scott further served two terms on the State Democratic Executive Committee and was a delegate to the 1960 Democratic convention; he was named Opelika's Distinguished Citizen for 1971, was a founder and benefactor of an Opelika private school named in his honor and was a faithful contributing member of the First Baptist Church which he had served as Deacon and in a number of committee assignments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Isaac Judson Scott of Opelika, Alabama, and extend our very deepest sympathy to his family whose sorrow we truly share.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for his beloved wife and his children, Frances Marion Scott and Isaac Judson Scott, Jr., and other family members that they may know of our care and concern for them in their great loss.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 251, was adopted.

MOTION TO ADJOURN LOST

The motion offered by Rep. Holmes that the House adjourn until 12:00 o'clock noon, Tuesday, April 17, 1984, was lost.

Yeas 42; Nays 44.

Yeas:

Reps.: Albright, Black, Bowling, Box, Brakefield, Bryant, Bugg, Burke, Buskey (John), Clark (D), Clark (J), Clark (W), Cosby, Davis, Escott, Fuller, Goodwin, Grayson, Harper, Holmes, Johnson (Roy), Kennedy, Laird, Lindsey, McDowell, McNair, Mathis, Melton, Newman, Parker, Penry, Perdue, Richardson, Rogers, Sasser, Seibels, Spratt, Thomas, Turner, White (L) and Zoghby.

—42

Nays:

Mr. Speaker, Bachus, Beers, Biddle, Blake, Blakeney, Boles, Britnell, Brooks, Browder, Butler, Carothers, Coleman, Crow, Faulk, Flowers, Gaston, Gray, Hettinger, Holley, Hooper, Johnson (R.G.), Kvalheim, Lauderdale, McKee, McMillan, Mikell, Mitchell, Moore, Onderdonk, Payne, Pratt, Preuitt, Rains, Rice, Smith, Starr, Tanner, Trammell, Turnham, Venable, Warren, White (F) and and White (G).

—44

H. 405 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Beers, the motion offered by Rep. White (L) to postpone further consideration of the bill, H. 405 as amended, to the twenty-second legislative day, was tabled.

Yeas 46; Nays 36.

Yeas:

Reps.: Bachus, Beers, Biddle, Blake, Blakeney, Boles, Britnell, Brooks, Browder, Burke, Butler, Carothers, Coleman, Cosby, Crow, Faulk, Flowers, Gaston, Gray, Grouby, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, McKee, McMillan, Mathis, Mikell, Moore, Payne, Pratt, Preuitt, Rains, Rice, Sasser, Smith, Starr, Tanner, Trammell, Turner, Turnham, White (F) and White (G).

—46

Nays:

Reps.: Albright, Black, Bowling, Brakefield, Bryant, Bugg, Clark (D), Clark (J), Clark (W), Davis, Escott, Grayson, Hall, Harper, Horn, Kennedy, Lindsey, McDowell, McNair, Marietta, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Reed, Richardson, Rogers, Seibels, Spratt, Thomas, White (L) and Zoghby.

—36

AMENDMENT OFFERED

Rep. Escott offered the following amendment to the bill, H. 405 as amended:

On page 3, line 7, after the period, insert:

When parents or legal guardians of both minors involved in a pregnancy have been notified by an abortion provider, the same shall submit a notarized copy of a letter, addressed to the Secretary of State and a copy to the Department of Pensions and Securities, indicating acceptance of their financial responsibility for their minor and incompetent children and any of their offspring.

On page 5, after Section 6, insert the following new Section 7 and re-number the present Section 7 and following sections accordingly:

Section 7. Any parent(s) or Guardian(s) refusing to accept financial responsibility for their minor or incompetent children and their offspring shall be subject to (1) a civil fine of not less than \$500.00 and not more than \$5,000.00, and (2) an injunction against further irresponsibility. Any parent(s) or legal guardian(s) found financially unable to support their minor or incompetent children and their offspring will be referred to the Department of Pensions and Securities in order to receive welfare and other forms of public assistance.

AMENDMENT TABLED

On motion of Rep. Beers, the amendment offered by Rep. Escott to the bill, H. 405 as amended, was tabled.

Yeas 50; Nays 27.

Yeas:

Reps.: Bachus, Beers, Blake, Blakeney, Boles, Britnell, Brooks, Browder, Burke, Butler, Carothers, Clark (D), Coleman, Cosby, Crow, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, Mathis, Moore, Newman, Nicholson, Payne, Pratt, Preuitt, Rains, Richardson, Sasser, Starr, Tanner, Trammell, Turner, Turnham, Warren, White (F) and White (G).

—50

Nays:

Reps.: Albright, Black, Box, Bryant, Buskey (John), Clark (J), Clark (W), Davis, Escott, Grayson, Hall, Harper, Horn, Kennedy, McDowell, McNair, Marietta, Melton, Onderdonk, Parker, Rogers, Seibels, Spratt, Thomas, White (L) and Zoghby.

—27

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senator Parsons:

S. 114. To further regulate and control alcoholic beverage transac-

tions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with the Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Also:

By Senators Teague, Dial, Hand and Menton:

S. 154. To provide for educational assistance benefits for members of the Alabama National Guard.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 114. Business and Labor.

S. 154. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Bishop:

S. 436. Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by law to a state savings and loan association, federal savings bank, federal savings and loan association or federal savings and loan association service corporation; to provide that this Act makes no changes in laws pertaining to branch banks in Alabama; to provide for construction of this Act and for authority of the Superintendent of Banks; to repeal all laws or parts of laws in conflict

with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 436. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Mitchem, Barron, and Holmes:

S. 343. Relating to findings of the Legislature regarding the disease Avian Influenza; setting the crime of a knowing or wanton violation of laws or regulations pertaining to the control or eradication of Avian Influenza a Class C felony.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 343. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Cooley:

S. 356. To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 356. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Barron:

S. 50. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

Also:

By Senator Cabaniss:

S. 90. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00.

Also:

By Senator Little:

S. 190. To amend Section 32-5A-154, Code of Alabama 1975, which prohibits overtaking and passing school busses, so as to increase the penalties for violations.

Also:

By Senator Barron:

S. 191. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

Also:

By Senator Little:

S. 163. To amend Section 28-6-1, Code of Alabama 1975, which provides for the definition of a native farm winery, so as to provide further for said definition.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 50. Health.

S. 90. Insurance.

S. 190. Judiciary.

S. 191. Banking.

S. 163. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator deGraffenried:

S. 334. To adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the Legislature during the 1983 First and Second Special Sessions and the 1983 Regular Session, as contained in the 1983 Cumulative Supplement to the Code of Alabama 1975 and the 1983 Replacement Volume 17 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

Also:

By Senators Smith (J), Goodwin, Dial, Foshee, Barron, Little, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Strong, Bedsole, Aldridge, and Bailey:

S. 272. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

Also:

By Senators Smith (J), Dial, Foshee, Barron, Little, Menton, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Holmes, Strong, Bedsole, Aldridge, Bailey, and Goodwin:

S. 276. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of \$2,000 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 334. Judiciary.

S. 272. Judiciary.

S. 276. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Parsons and Strong:

S. 186. To define and regulate health studios and to provide for criminal penalties.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 186. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Goodwin:

S. 513. To make a supplemental appropriation to the National Conference of State Legislatures for membership dues.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 513. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator deGraffenried:

S. 130. To be known as the "Alabama Nonprofit Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: definitions; general substantive provisions; formation of nonprofit corporations; amendments; merger, consolidation and sale of assets; dissolution; foreign nonprofit corporations; provides for fees and miscellaneous charges; and provide powers of probate judge or secretary of state; repealing Chapter 3 (Nonprofit Corporations) Articles 1 through 8 of Title 10 of the Code of Alabama (1975), Chapter 4, Articles 12 and 15 of Title 10 of the Code of Alabama (1975), § 10-4-261 through § 10-4-263; § 10-4-281 through

§ 10-4-284; and amending § 10-4-260 and § 10-4-280, Code of Alabama (1975).

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 130. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Bedford, Goodwin, Denton, Foshee, Covington, Cooley, Menton, Corbett, Little, Dial, Ellis, Hand, Cabaniss, and Bennett:

S. 262. To amend § 36-30-2, Code of Alabama 1975, so as to raise the compensation amount from \$10,000.00 to \$20,000.00 paid to dependents of peace officers or firemen killed in the performance of duty.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 262. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Denton:

S. 370. To amend Sections 41-9-340, 41-9-343, 41-9-347 and 41-9-355, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, so as to provide for the vacation of office by a member for failure to attend meetings, to increase the monetary limits for which a contract may be executed, to provide that said park shall honor all who participated in military defense of our nation and to forgive certain debts owed by the Commission to the Alabama State Docks.

Also:

By Senator Denton:

S. 447. To amend Section 41-16-51, Code of Alabama 1975, as amended by Act No. 83-515 enacted during the 1983 Regular Session of the Legislature of Alabama, so as to remove the exemption of existing contracts up for renewal for sanitation or solid waste collection and disposal between counties and those providing the service and to restore the previously ex-

isting exemption for equipment used and consumed in the removal and routine operation of any waterworks system, sanitary sewer system, gas or electric system owned by municipalities, counties or public corporations, boards or authorities that are agencies, departments or instrumentalities of municipalities or counties among those contracts for which competitive bidding is not required.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 370. Ways and Means.

S. 447. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Foshee:

S. 139. Relating to the Alabama Department of Corrections; to provide a uniform allowance for uniformed correctional officers; and to provide an additional annual continuing appropriation to the Alabama Department of Corrections for such purpose.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 139. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator deGraffenried:

S. 60. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and specifically repealing Sections 93, 94, 211, 212, 213, 214, 217, 218, 219, 222, 224, 225 and 226 of the Constitution of 1901, as amended, and Amendments 23, 25, 53, 61, 93, 107, 108, 116, 126, 160, 212, 225, 228, 272 and 398 to said Constitution; providing for an election thereon; and prescribing an effective date for the proposed Amendment.

Also:

By Senator Barron:

S. 73. To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, as last amended, which provide for nonresident annual and trip fishing licenses, so as to increase certain license and issuance fees for said licenses, and to further provide for the distribution of said fees.

Also:

By Senators Aldridge and Menton:

S. 72. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.

Also:

By Senator deGraffenried:

S. 115. To redefine the term "gross income" as prescribed in Title 40, Chapter 18, Article 14, Code of Alabama 1975, relating to gross income exclusions, to conform Alabama income tax exclusions to Federal income tax exclusions of employer contributions on behalf of an employee to a trust which is part of a qualified cash or deferred arrangement (as defined in 26 USCA 401(k) (2)) under which the employee has an election whether the contribution will be made to the trust or received by the employee in cash or of employer contributions for an employee for an annuity contract (as provided in 26 USCA 403 (b)); to provide the provisions of this act shall be construed in pari materia with other law or parts of laws relating to income tax exclusions except where there is a direct conflict; and to provide an effective date.

Also:

By Senators Goodwin, Covington, Dial, Bedford, Aldridge, Bishop, Holmes, Hand, Cabaniss, Ellis and Bennett:

S. 257. To amend Sections 13A-12-170, 13A-12-171, 13A-12-172, 13A-12-175, 13A-12-178, 13A-12-179, Code of Alabama, 1975, relating to the sale, exhibition, etc., of pornographic materials to minors; to define and prohibit the display, distribution and exhibition of pornography to minors; to provide for the enjoining of violations of this Act by the circuit courts; to provide for the extradition of persons charged with violations of this Act; to provide for the forfeiture of materials used in violation of this Act; to repeal Sections 13A-12-176 and 13A-12-177, Code of Alabama, 1975; and to provide severability and effective dates.

Also:

By Senators Smith (J), Goodwin, Dial, Foshee, Barron, Little, Menton, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Holmes, Strong, Bedsole, Aldridge and Bailey:

S. 274. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of the superintendent or any physician of a state mental health facility or hospital in criminal proceedings, upon proper notice.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 60, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on State Administration.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 73. Natural Resources.
- S. 72. Ways and Means.
- S. 115. Ways and Means.
- S. 257. Judiciary.
- S. 274. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard:

S. 352. To provide for and create a public corporation for the purposes of flood control to be known as the Alabama Village and Valley Creeks Flood Control Authority. The office of the Authority is to be located in the City of Birmingham; to provide for a board of directors, prescribe the method of appointment, its duties and authorities, and to provide for employees.

Also:

By Senators Corbett, Cooley, Drinkard, Teague, Langford, Bedford, Bennett, Strong, Denton, Foshee, and Hand:

S. 425. To provide for certain payroll deductions for full-time firefighters employed by political subdivisions in this state.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 352. State Administration.
- S. 425. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senator Bedsole:

S. 109. To authorize any municipal or county governing body to create a communications district in the respective jurisdiction of such municipality or county for the purpose of establishing a local emergency telephone service, to provide for the governing body of the district, including its powers, and to provide for funding for such district, including provisions for levying an emergency telephone service charge.

Also:

By Senator Cooley:

S. 388. To amend the obscenity laws, specifically amending Section 13A-12-151, Code of Alabama 1975, so as to provide for the punishment of obscene communications by telephone made for commercial purposes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 109. Highway Safety.

S. 388. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Aldridge and Dixon:

S. 211. Relating to dental practice insurance coverage in health insurance policies and employee benefit plans so as to allow any individual who has dental insurance coverage or contract benefits, the right to select any dentist of his choice to furnish the dental care provided under such plans or policies; to provide that it shall be the duty and responsibility of the commissioner of insurance to enforce the provisions of this Act; and to provide for penalties for violations as provided in Section 27-1-12 of the Code of Alabama 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 211. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Dixon, Langford, Cabaniss, Smith (J), and Teague:

S. 56. To further provide for payroll deductions for state employees.

Also:

By Senator Foshee:

S. 227. To amend Sections 12-17-231 and 12-17-233, Code of Alabama 1975, relating to the Office of Prosecution Services, so as to provide that employees of said office shall be eligible for membership in the state employees' retirement system; to authorize legislative appropriations to the office; and to further define the program of the Office of Prosecution Services.

Also:

By Senator Hand:

S. 146. To amend Section 6-8-40, Code of Alabama, 1975, so as to delete the requirement that clerks of the several circuit courts and registers must subscribe for, take and file in their offices copies of newspapers.

Also:

By Senators Mitchem and Little:

S. 312. To provide further for venue with respect to filing petitions to modify divorce decrees relating to child custody and visitation rights.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 56. Ways and Means.

S. 227. Ways and Means.

S. 146. State Administration.

S. 312. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator deGraffenried:

S. 117. To amend Act 82-514, The Revised Alabama Professional Corporation Act, by amending Sections 10 and 24 to determine the date of disqualification of shareholders and to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were

allowed to be shareholders under Section 10-4-235, Code of Alabama, to continue.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 117. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Aldridge:

S. 458. To create the Motor Fuel Marketing Act in order to protect Alabama's consumers against major oil company monopolies; to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel in wholesale and retail trades; to provide for enforcement of the Act and penalties for violations; and for related purposes as well as to make certain declarations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read onetime and referred to appropriate Standing Committee as follows:

S. 458. State Administration.

ADJOURNMENT

On motion of Rep. Hall, and pursuant to the resolution, H. R. 246, heretofore adopted, the House adjourned until 12:00 o'clock noon, Tuesday, April 17, 1984.

Yeas 44; Nays 42.

Yeas:

Reps.: Albright, Black, Box, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Davis, Escott, Goodwin, Grayson, Hall, Harper, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Lindsey, McDowell, McNair, Marietta, Mathis, Melton, Newman, Nicholson, Parker, Penry, Perdue, Reed, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Thomas, White (L) and Zoghby.

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Nays:

Reps.: Bachus, Beers, Biddle, Blake, Blakeney, Britnell, Brooks, Browder, Butler, Carothers, Coleman, Cosby, Crow, Faulk, Flowers, Gaston, Gray, Hettinger, Holley, Hooper, Johnson (R.G.), Kvalheim, Lauderdale, McKee,

McMillan, Mikell, Moore, Onderdonk, Payne, Pratt, Preuitt, Rains, Rice, Smith, Starr, Tanner, Trammell, Turner, Turnham, Warren, White (F) and White (G).

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NINETEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 17, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mr. David Jones, Opelika, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighteenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the eighteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighteenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Mathis, leave of absence was granted for Rep. Grimsley, due to illness.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 252. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That upon reaching the Calendar, the following bills in the order named be made the special and paramount order of business for the 19th Legislative Day, April 17, 1984:

<u>Bill No.</u>	<u>Sponsor</u>	<u>Short Title</u>	<u>Page</u>
H. 77 (amdt)	Clark, J.	Conservation; State Parks; contract extension	55
H. 78	Clark, J.	Conservation; State Parks; revolving fund	55
H. 219	Carothers	Conservation; Game & Fish; hunter education	27
H. 198	Carter	Conservation; Game & Fish; hunting within 100 yds. of highway	26
H. 353	Moore	Board of Adjustment	63
H. 354	Moore	Probate judges; state facilities; mental health evaluations	63
H. 526	Campbell	State social security office under State Comptroller	113
H. 224	Zoghby	State Treasurer; destruction of cancelled warrants	53
H. 305 (amdt)	Zoghby	State Treasurer; check writing machine; employees in office	53
H. 367	Campbell	Codification	43
H. 185	Tanner	Probate Code; amending	5
H. 94	Campbell	Administrative Procedures Act; amending	7
H. 326	Warren	Uniform Certificate of Title & Antitheft Act; amended	172
H. 51	Biddle	Contractors; resident preference	15
H. 52	Biddle	Contractors; out of state	15
H. 171 (amdt)	Adams	Probate offices; fees and charges	57
H. 107	Kennedy	Emergency telephone boxes on interstate	36
H. 671 (amdt)	Buskey, Jas.	Mobile County; Mobile County Racing Commission	156
H. 158	White (L)	Leases and lease purchases; expenditures	13
H. 133	Britnell	Sick leave bank on request	54
H. 259	Coleman	Handicapped parking decals	47
H. 325 (sub)	Johnson, Roy	Circuit clerks and registers, annual salary	159
H. 612	Turnham	Circuit courts; district courts; fees and charges	153
H. 487	Clark, J.	Uniform State Laws Commission	69

**REGULAR SESSION
19th Day**

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H. 657 (amdt)	Harvey	Exemption of property from execution or attachment	17
H. 502	White (L)	State Board of Pharmacy; appeals	11
H. 570	White (L)	State Board of Pharmacy; license fees	12
H. 32 (amdt)	Turner	Full-time firefighters; payroll deductions	4
H. 586	Clark, D.	Veterans Nursing Home operated by V.A. exempt as health care facility	14
H. 328	Tanner	Municipalities; residence requirements	5
H. 446	Adams	Tax assessors, tax collectors; payment of salaries	103
H. 30 (sub)	Turner	Class 2 municipalities; retirement system	106
H. 21 (amdt)	Laird	Small Business Office of Advocacy	33
H. 624	Smith	Forestry Commission Steering Committee	144
H. 47	Turnham	Uniform Certificate of Title & Antitheft Act; amended	38
H. 411	Johnson, Roy	State Employees Insurance Bd.; membership	78
H. 486	Clark, J.	Timesharing brokers; regulating	68
H. 461	Nicholson	Trust investments	91
H. 500	Mitchell	State Board of Barber Examiners	93
H. 310	Dutton	State archery hunting license provided for	28
H. 585	Turnham	Wastewater treatment	132
H. 215	Onderdonk	Oil/gas severance tax	160
H. 317	Smith	FOP Annuity & Benefit Fund; amended	76
H. 199	White (F)	County constables	31

UNFINISHED BUSINESS

On motion of Rep. Clark (J), the resolution, H. R. 252, was adopted.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 458. To create the Motor Fuel Marketing Act in order to protect Alabama's consumers against major oil company monopolies; to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel in wholesale and retail trades; to provide for enforcement of the Act and penalties for violations; and for related purposes as well as to make certain declarations.

S. 425. To provide for certain payroll deductions for full-time firefighters employed by political subdivisions in this state.

S. 163. To amend Section 28-6-1, Code of Alabama 1975, which provides for the definition of a native farm winery, so as to provide further for said definition.

H. 778. To amend Section 34-22-40, Code of Alabama 1975, which establishes the Alabama board of optometry, so as to provide further for the terms of office of the members of said board.

H. 763. Relating to sales representatives; requiring written contracts

between sales representatives and principals when commissions are involved; requiring the principal to furnish the representative with a signed copy of the contract; providing for the payment of commissions upon termination of certain agreements; providing for civil damages; providing an effective date.

H. 759. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,500 pounds or greater, may be made without the requirement of competitive bids being taken.

S. 146. To amend Section 6-8-40, Code of Alabama, 1975, so as to delete the requirement that clerks of the several circuit courts and registers must subscribe for, take and file in their offices copies of newspapers.

Rep. Crow, Chairman of the Standing Committee on Business and Labor reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 114. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 191. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licenses.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following

and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 757. Relating to Lauderdale County; designating the combination of offices of tax assessor and tax collector, pursuant to Act No. 81-606, H. 1084, 1981 Regular Session as the Revenue Commissioner; providing further for the compensation, term, election and temporary appointment of said office.

H. 776. Relating to Escambia County; to amend Section 8 of Act No. 565, H. 967 of the 1953 Regular Session of the Alabama Legislature, which relates to privilege licenses, so as to increase the compensation of the inspector employed to assist the Judge of Probate in the enforcement of the provisions of said act.

Rep. Horn, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 695. Relating to Jefferson County; to amend Section 2 of Act No. 681, H. 505 of the 1977 Regular Session of the Alabama Legislature, (Acts 1977, p. 1181), relating to the compensation of the executive assistant to the sheriff of Jefferson County so as to provide further for said compensation of the executive assistant; and to repeal Act No. 83-589 of the 1983 Regular Session.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Black (With Notice and Proof):

H. 786. Relating to Sumter County, levying an additional fee on all hazardous and non-hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collecting of said fee; providing for the organizing of Sumter County monitoring commission, and specifically repealing Sections 8 and 9 of Act No. 82-480, H. 669, Regular Session 1982 (Acts 1982, p. 672), which act relates to another local law for Sumter County levying a fee for similar waste disposal.

Committee on Health.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 786, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Mathis:

H. 787. To amend Section 26-10-8, Code of Alabama 1975, regulating adoptions to further clarify placing children for adoption by unlicensed persons or organizations.

Committee on Judiciary.

By Rep. Rogers (With Notice and Proof):

H. 788. Relating to the City of Birmingham in Jefferson County; to

further amend Section 4.06(9) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, pp. 1004, et seq.), as amended, also known as the Mayor-Council Act of 1955, so as to provide, in addition to staff otherwise provided by law, for such staff members as the Mayor may deem necessary not subject to any merit system, to provide that the salaries of such staff assistants shall be determined by the Mayor, and to prohibit members of the Mayor's staff from running for elected office while serving on said staff.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 788, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Richardson (With Notice and Proof):

H. 789. Relating to Jackson County, creating a Jackson County Economic Development Authority and providing for said authority's composition, terms, duties and powers.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 789, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Richardson (With Notice and Proof):

H. 790. Relating to Jackson County; to amend Act 79-473, S. 639, Regular Session 1979, as amended (Acts 1979, p. 873), so as to allocate a portion of T.V.A. payments made to Jackson County to the Jackson County Economic Development Authority and to remove the provision regarding unused money allocated to the legislative delegation office.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 790, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Spratt (With Notice and Proof):

H. 791. Relating to the City of Birmingham in Jefferson County; to further amend Section 4.06(9) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, pp. 1004, et seq.), as amended, also known as the Mayor-Council Act of 1955, so as to provide, in addition to staff otherwise provided by law, for such staff members as the Mayor may deem necessary not subject to any merit system, and to prohibit members of the Mayor's staff from running for elected office while serving on said staff.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 791, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Rice (With Notice and Proof):

H. 792. To authorize and make provision for the incorporation in the City of Opelika of the Opelika Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Opelika; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority, for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority, to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes, to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolu-

tion authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 792, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT No. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. White (L):

H. 793. To grant authority to the Commissioner of Medicaid to file liens for Medicaid benefits pursuant to the Tax Equity and Fiscal Responsibility Act of 1982, and to provide for their enforcement.

Committee on Health.

By Rep. Johnson (Roy):

H. 794. To amend Section 16-27-4, Code of Alabama, 1975, to establish a validity period for school bus driver's license from September 1 through August 31, annually, and to clarify the requirements of attendance to a four clock-hour training session at any time prior to the expiration date of a school bus driver's license in order for such license to be renewed.

Committee on State Administration.

By Rep. Smith (With Notice and Proof):

H. 795. Relating to the City of Clanton in Chilton County; to alter the corporate boundaries so as to include additional lands within the corporate limits; and to provide for a referendum thereon.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 795, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Onderdonk and Blakeney (With Notice and Proof):

H. 796. Relating to Clarke County; levying an additional ad valorem tax in the county to be used for school purposes and for the county general fund and providing for a referendum on such additional taxes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 796, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Mitchell and Johnson (Roy) (With Notice and Proof):

H. 797. Relating to Tuscaloosa County; providing further for the distribution of the beer tax levied by Section 28-3-190, Code of Alabama 1975.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 797, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Mikell (With Notice and Proof):

H. 798. Relating to Elmore County; to provide that the sheriff shall be entitled to the allowances payable by the state, county or municipalities for feeding prisoners housed in the Elmore County Jail; and to provide that the provisions of this Act shall be retroactive to January 18, 1983.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 798, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Trammell:

H. 799. To amend Section 11-43-2, Code of Alabama 1975, relating to the election of certain mayors and aldermen, and Section 11-43-80, Code of Alabama 1975, relating to the powers and duties of the mayor, so as to provide that the six-month time requirement may be waived to meet compliance with the Federal Voting Rights Act of 1965.

Committee on Constitution and
Elections.

By Rep. Fuller:

H. 800. To amend Sections 34-1-3, 34-1-4, and 34-1-8, Code of Ala-

bama 1975, which regulate the practice of public accounting, so as to further regulate said practice.

Committee on Judiciary.

By Rep. Poole (With Notice and Proof):

H. 801. To amend Section 1 of Act No. 708, H. 1078, Regular Session 1978, (Acts 1978, p. 1021) entitled, "An Act To authorize and provide for the establishment, maintenance, equipping, operation and financing of a public law library in Hale County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county," so as to increase the law library fees taxed as items of court costs.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 801, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Zoghby, Turner, Gaston, Kvalheim, and Box (With Notice and Proof):

H. 802. Relating to Mobile County; authorizing the county commission to extend, by resolution, the meeting days of the board of registrars during certain months as merited by certain circumstances and providing that this act shall be retroactive to May 1, 1982.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 802, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Clark (W) (With Notice and Proof):

H. 803. Relating to the City of Prichard in Mobile County, Alabama; providing a certain reopening period for certain city employees and city library employees to become members of the "Municipal Employees Pension and Relief Fund" as provided for in Act No. 107, H. 150, of the 1956 Special Session (Acts 1956, p. 154), as amended, and prescribing rules and regulations relative to payment of necessary contributions to such fund for such employees who become members of such system as provided by this Act.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 803, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Clark (W) (With Notice and Proof):

H. 804. To amend further Section 3 of Act No. 107, H. 150, 1st Special Session of 1956, Acts of Special Sessions 1956, p. 154, creating and pro-

viding for in the City of Prichard, Alabama a special fund to be known as "The Municipal Employees Pension and Relief Fund" so as to provide for the eligibility of certain city officials to be included in such pension and relief system.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 804, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Lindsey (With Notice and Proof):

H. 805. Relating to county health officers or administrators in Cleburne County; authorizing such persons to issue official death certificates; providing penalties for violation of this Act; and to provide that fees collected for certain services shall be accounted for and remitted to the treasurer of the county board of health or like official for custody subject to disbursement in the interest of health services in the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 805, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Bryant (With Notice and Proof):

H. 806. Relating to Perry County; divesting the chairmanship of the county commission from the judge of probate; providing for the division of Perry County into five election districts for purposes of electing the county commission; providing for the election of five commissioners by the qualified electors of such districts; providing for the residency requirements and qualifications of the commissioners; providing for the election of the chairperson of the county commission and prescribing the compensation, duties and powers of the commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 806, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Bryant (With Notice and Proof):

H. 807. Relating to Perry County; dividing the county into certain districts for purposes of electing members of the county board of education; providing for the election of such board members by the qualified electors of the respective districts; providing for certain residency requirements for such board members and prescribing the compensation of such members.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 807, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Penry (With Notice and Proof):

H. 808. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 808, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Penry (With Notice and Proof):

H. 809. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 809, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Penry:

H. 810. To amend further Section 37-3-4 of the Code of Alabama 1975, relating to the Alabama Motor Carrier Act, so as to exempt motor vehicles used exclusively for transporting passengers pursuant to a federally funded program from regulation by the Alabama Public Service Commission.

Committee on Public Utilities and
Transportation.

By Rep. Bryant (With Notice and Proof):

H. 811. Relating to the City of Marion, Alabama, a municipal corporation in Perry County; to provide that the city shall be divided into districts to be known as wards and to provide for the election of the members of the city council to be by wards and requiring that each member be elected by the qualified electors residing only within his/her ward.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 811, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Bryant (With Notice and Proof):

H. 812. To alter, rearrange, and extend the boundaries and corporate limits of the municipality of Marion in Perry County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 812, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Holmes:

H. 813. To amend Section 36-26-17, Code of Alabama 1975, relating to the manner of filling vacancies in the classified service so as to increase the number of names certified by the state personnel department director.

Committee on Ways and Means.

By Reps. Turnham and Rice (With Notice and Proof):

H. 814. Relating to Lee County: providing certain annual salaries for the probate judge, sheriff, tax assessor, and tax collector.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 814, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turnham:

H. 815. To make an additional appropriation to the Office of the Attorney General for the payment of salaries and other expenses and to provide for repayment of certain amounts to the State Treasury.

Committee on Ways and Means.

By Reps. Turnham and Cosby:

H. 816. To provide, in addition to benefits now received, a graduated percentage cost-of-living increase to all probate judges retired under the Judicial Retirement Fund of Alabama, prior to October 1, 1983; and to provide for the repeal of conflicting laws.

Committee on Ways and Means.

By Rep. Poole (With Notice and Proof):

H. 817. Relating to the County and City of Tuscaloosa, to provide that the residents of school district Number 3, who are currently served by the municipal board of education, shall be served by the county board of education.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 817, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Box and Turner:

H. 818. To amend Section 12-18-60, Code of Alabama 1975, relating to benefits payable to spouses upon the death of District Judges.

Committee on Ways and Means.

By Rep. Browder (With Notice and Proof):

H. 819. Relating to Calhoun County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the termination date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 819, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Bowling and Drake (With Notice and Proof):

H. 820. Relating to Cullman County; authorizing any town or municipality in said county to regulate the business hours of game and billiard rooms either by ordinance, rule or regulation or by license fees.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 820, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Bowling and Drake (With Notice and Proof):

H. 821. Relating to Cullman County; authorizing a procedure whereby the sheriff is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the sheriff's department of the county and stored by said department but which has been unclaimed after six (6) months; providing that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Cullman County, or by posting in a conspicuous place at the county courthouse; providing that the first publication or posting of said notice shall be twenty days before the said auction; providing a procedure for the conduct of said auction; providing that the owner of any of the abandoned or stolen property recovered and stored by the sheriff may redeem the same at any time prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in

storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 821, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Bowling and Drake (With Notice and Proof):

H. 822. Relating to Cullman County; to provide for a special recording fee on documents filed in the office of the judge of probate; to provide that such special recording fee be used for the purpose of acquiring and maintaining electronic data processing equipment for the office of the judge of probate.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 822, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Bowling and Drake (With Notice and Proof):

H. 823. Providing full-time status for the associate county commissioners of Cullman County; providing certain salaries for such commissioners and prescribing realms of responsibility relating to the county road program for such commissioners.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 823, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Bowling and Drake (With Notice and Proof):

H. 824. Relating to Cullman County; providing for the compensation of the sheriff, the judge of probate, the revenue commissioner, the coroner and the chairman of the county commission and providing a certain annual expense allowance for the court reporters of the thirty-second judicial circuit.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 824, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Bowling and Drake (With Notice and Proof):

H. 825. Relating to selling and redeeming lands for taxes in Cullman County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 825, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Harvey (With Notice and Proof):

H 826. Relating to Blount County; authorizing certain county health officers or administrators to issue official death certificates, levy and collect fees therefor; and providing for the distribution of such revenues for county health purposes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 826, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Starkey:

H. 827. To further regulate hazardous waste; to provide that the Alabama Department of Environmental Management shall have exclusive authority and jurisdiction, without other governmental approval, to approve any hazardous waste treatment facility or disposal site; and to require legislative approval for more than one commercial hazardous waste facility or disposal site situated within any one county, or within a radius of 25 miles of an existing commercial facility or site.

Committee on Health.

H. 728 RE-REFERRED

On motion of Rep. Payne, the Speaker re-referred the bill, H. 728, from the Standing Committee on State Administration to the Standing Committee on Public Welfare.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. White (F):

H. R. 253. COMMENDING MRS. SARAH FAYARD, OF ATMORE, ALABAMA, CITIZEN OF THE YEAR, 1984.

Also:

The following resolutions were introduced:

By Rep. Turner:

H. J. R. 254. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is

hereby requested that the Revenue Department allow any Shrine organization within the State of Alabama that owes back sales or use taxes be allowed to pay such debt off at the rate of \$10.00 a month until the debt is completed.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 254, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 255. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, April 17, 1984, we adjourn to meet again on Wednesday, April 18, 1984, and Thursday, April 19, 1984.

On motion of Rep. Johnson (Roy), the resolution, H. J. R. 255, was temporarily postponed.

Also:

By Rep. Johnson (Roy):

H. R. 256. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, April 17, 1984, we adjourn to meet again on Wednesday, April 18, 1984, at 2:00 p.m.

On motion of Rep. Johnson (Roy), the resolution, H. R. 256, was temporarily postponed.

Also:

By Rep. Biddle:

H. R. 257. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Rules of the House are hereby amended as follows:

Rule 31a is hereby amended to read as follows:

Rule 31a. Any bill providing for or dealing with parimutuel betting and any bill providing for or dealing with hazardous waste shall be treated as a general bill.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. R. 257, was adopted.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 258. COMMENDING REGINA STANFORD FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Regina Stanford, a student at Shaw High School in Mobile, was named "All American Cheerleader" in 1982 and 1983; and

WHEREAS, Miss Stanford has received many other honors while a student at Shaw High School, some of which include 1983 South Alabama's Most Outstanding Cheerleader, Aloha Bowl Cheerleader, Senior Bowl Cheerleader, Class Favorite for six years, Homecoming Maid for four years, Miss Rebel Rebellion for 1983-1984 and Shaw High School's DAR Good Citizen; and

WHEREAS, her most recent achievement was being chosen as a Na-

tional Cheerleader's Association Staff Instructor for the Summer of 1984; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Regina Stanford for her outstanding achievements and wish her success in her future endeavors.

BE IT FURTHER RESOLVED, That Miss Stanford receive a copy of this resolution in declaration of our praise and regard.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 258, was adopted.

Also:

By Rep. Gaston:

H. J. R. 259. COMMENDING MISS PAIGE FERNEE REYNOLDS OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the numerous accomplishments of Miss Paige Fernee Reynolds of Mobile, Alabama; and

WHEREAS, Miss Reynolds, the daughter of Mr. and Mrs. Bruce H. Reynolds and a junior at the Julius T. Wright School in Mobile, recently won both district and state first place honors in the Colonial Grand Dames Essay Contest; and

WHEREAS, in further outstanding achievement, Miss Reynolds serves as co-editor of Dayspring literary publication and is Student Government vice president of education; and

WHEREAS, Miss Paige Reynolds participates further in a number of other extra curricular and community activities; she has served as publicity chairman for the Junior Class Fashion Show, as Fashion Show commentator, as a member of the varsity tennis team, the newspaper and yearbook staffs, on the Holmes Junior Board and she is an Episcopal Young Churchman officer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation and praise, we hereby recognize Miss Paige Fernee Reynolds of Mobile, Alabama, for extraordinary achievement and direct that she receive a copy of this resolution in expression of regard and best wishes for every future success in life.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 259, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Harvey:

H. R. 260. COMMENDING MR. GROVER CRIDER, PROMINENT BLOUNT COUNTY EDUCATOR.

Also:

The following resolution was introduced:

By Reps. Turner and Rains:

H. J. R. 261. CREATING A JOINT INTERIM COMMITTEE TO STUDY EDUCATION FOR DEAF AND BLIND.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the operation of all facets of educational opportunities, facilities, institutions, and needs therefor, for the deaf and blind in this state.

Such committee shall be composed of three members of the House of Representatives, to be appointed by the Speaker of the House, and three members of the Senate, to be appointed by the President of the Senate, and three non-legislative lay members appointed by the Governor. The committee shall elect a chairman from among its membership and shall set their own rules of procedure for the conduct of their affairs. The initial meeting of the committee shall be held within 20 days after its formation.

The members of the committee shall be entitled to their regular pay and per diem expenses, including mileage, for each day in which they are engaged in committee work. Such pay and expenses shall be paid out of any available funds appropriated for use of the legislature. Provided, that the total expenditures of the committee shall not exceed \$5,000.

The committee shall report its findings, recommendations and suggested legislation, if any, to the legislature by the fifth legislative day of the Regular Session of 1985, whereupon it shall be discharged of any further duties and shall be dissolved.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 261, was adopted.

BILLS ON THIRD READING

And the bill:

H. 694. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Geiger in Sumter County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 32; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (J), Clark (W), Coburn, Faulk, Grouby, Hall, Kennedy, Lauderdale, Lindsey, Martin, Mathis, Melton, Onderdonk, Parker, Rains, Rice, Seibels, White (F) and White (G).

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 720. Relating to law enforcement in Houston County; to amend Sections I, II and III of Act No. 671, 1967 Regular Session (Acts 1967), p. 1495), relating to the issuance of pistol permits in Houston County, so as to provide further for permit fees, distribution of such fees and issuance of such permits.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Escott, Faulk, Fuller, Gaston, Grouby, Hall, Harvey, Hettinger, Junkins, Kennedy, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Rains, Sasser, Seibels, Smith, Starr, Tanner, Turner, White (F), White (G) and White (L).

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 734. (With Amendment): Relating to Houston County; to establish a civil service system for Houston County; to provide a policy for the administration of this act; to divide positions in the county into classified and exempt services, and to provide for changes between such services; to provide a status for present employees; to provide personnel rules and personnel plans for Houston County; to provide that the first members of the personnel board shall be members of the existing personnel appeals board created pursuant to Act No. 2262, S. 1234, Regular Session 1971 (Acts 1971, p. 3643), and continued under Act 1049, S. 886, 1973 Regular Session (Acts 1973, p. 1663), and to provide for their successors in office; to provide for the adoption, amendment and repeal of rules, regulations, determinations, job classification plans, pay plans, and mandatory and/or permissive retirement plans to effectuate the purposes of this act; to provide for the employment of persons with competitive examination; to provide for temporary appointments and the manner in which and the extent to which they shall be made permanent; to provide for the establishment of lists of persons eligible for employment and to establish the manner in which such lists shall be used; to establish a period of probation for certain county employees; to provide for rules governing working hours and leaves of absence; to provide for the laying off of employees; to establish the manner in which employees may be disciplined and to provide a procedure under which certain employees may protest such disciplinary action; to give the personnel board the authority to require the attendance of witnesses and the production of documents at such proceedings and to establish penalties for failure to attend or produce records as required to provide for an appeal from decisions of such board in such protests; to require such board to maintain certain records; to prohibit and fix the punishment for certain political activity by

certain employees of the county; to provide for the expenses of such board; to guarantee certain rights to the governing body of Houston County; and to repeal Act No. 1049, S. 886, 1973 Regular Session (Acts 1973, p. 1663).

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 734, Section 4, page 6, line 19, after the words "county, the" by inserting the following:

senior

And the amendment was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blakeney, Box, Brakefield, Brooks, Burke, Buskey (James), Butler, Carothers, Carter, Clark (W), Coburn, Cosby, Davis, Escott, Faulk, Fuller, Gaston, Gray, Grouby, Hall, Harvey, Hettinger, Hooper, Junkins, Kennedy, Lauderdale, Martin, Mathis, Melton, Newman, Nicholson, Onderdonk, Parker, Penry, Rains, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Turner, Venable, White (F), White, (G), White (L) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 734, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beers, Black, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (W), Coburn, Coleman, Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hettinger, Holmes, Junkins, Kennedy, Lauderdale, McMillan, Martin, Mathis, Melton, Newman, Onderdonk, Parker, Penry, Rains, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, White (F) and White (G).

—53

And the bill:

H. 746. Relating to Limestone County; to provide for appointment of a county license commissioner by the county commission in lieu of the county license commission authorized by Act No. 746, H. 757 of the 1978 Regular Session (Acts 1978, p. 1089); to prescribe the duties, compensation and term of such commissioner; to abolish the office of county license inspector and transfer such duties to the newly appointed license commissioner; to provide that such commissioner shall perform certain duties heretofore performed by the tax assessor, tax collector and judge of probate; to

prescribe certain fees, charges and commissions to be collected by such commissioner and provide for disposition of the proceeds thereof; to provide for certain reports relating to such collections and to prescribe certain penalties for violations relating to licenses.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Box, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (W), Coburn, Coleman, Cosby, Crow, Fuller, Gaston, Grouby, Hall, Hettinger, Holmes, Junkins, Kennedy, Lauderdale, Martin, Mikell, Newman, Onderdonk, Parker, Penry, Rains, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turner, White (F) and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 747. Relating to Limestone County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as the county revenue commissioner; abolishing the offices of tax assessor and tax collector in said county; prescribing the duties and compensation of such commissioner and providing for referendum approval of such consolidation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Box, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Gaston, Grayson, Grouby, Hall, Hettinger, Junkins, Kennedy, Lauderdale, Lindsey, Martin, Melton, Mikell, Newman, Onderdonk, Parker, Preuitt, Rains, Seibels, Smith, Starr, Tanner, Turner, White (G) and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 748. Relating to Limestone County; providing that any unencumbered portion of the proceeds of any special county tax levied pursuant to Amendment 125, Constitution of Alabama 1901, can be used, in addition to

all other authorized purposes, to defray the expense of indigent health care, to pay obligations of Limestone County pursuant to the Alabama Health Care Responsibility Act, Sections 22-21-290 through 22-21-297, Code of Alabama 1975, relating to county responsibility and indigent health care, or otherwise to fund indigent health care for Limestone County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Brakefield, Brooks, Bryant, Burke, Buskey (John), Butler, Carter, Clark (W), Coburn, Coleman, Cosby, Crow, Escott, Faulk, Fuller, Gaston, Grayson, Grouby, Hall, Hettinger, Junkins, Kennedy, Lauderdale, Lindsey, Martin, Mikell, Newman, Onderdonk, Parker, Rains, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, White (F), White (G) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 749. To authorize the Limestone County Commission to provide forest and other acreage protection within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forestlands and other acreage protected by the Alabama Forestry Commission in the county and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Grayson, Grouby, Hall, Harvey, Hettinger, Holmes, Junkins, Kennedy, Lauderdale, Lindsey, Marietta, Martin, Melton, Mikell, Newman, Onderdonk, Parker, Preuitt, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, White (G) and Zoghby.

—58

And the bill:

H. 750. Relating to Limestone County; authorizing the Limestone County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said

fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Ford, Gaston, Grayson, Grouby, Hall, Harvey, Hettinger, Holmes, Kennedy, Lauderdale, Lindsey, Marietta, Martin, Newman, Nicholson, Onderdonk, Parker, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Turner, White (F) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 770. To approve the proposal of the City Council of the City of Enterprise in Coffee County to increase the rate at which ad valorem tax is levied in such city pursuant to Amendment No. 373 to the Constitution of Alabama 1901.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beers, Black, Blake, Blakeney, Box, Brakefield, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (W), Coburn, Coleman, Cosby, Davis, Faulk, Ford, Gaston, Grayson, Hall, Harvey, Hettinger, Holley, Holmes, Kennedy, Lauderdale, Marietta, Martin, Melton, Mikell, Newman, Parker, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, White (F), White (G) and Zoghby.

—53

And the bill:

H. 772. Relating to Coffee County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county at the end of the current term or when a vacancy occurs in the office; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 1.

Yeas:

Mr. Speaker, Beers, Black, Blake, Blakeney, Box, Brakefield, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark, (W), Coburn, Coleman, Cosby, Davis, Escott, Ford, Gaston, Grayson, Grouby, Hall, Hettinger, Holley, Holmes, Kennedy, Lauderdale, Lindsey, Marietta, Martin, Melton, Mikell, Newman, Parker, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, White (F), White (G) and Zoghby.

—51

Nay: Rep. Brooks.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 774. Relating to Coffee County; providing further for the compensation of the sheriff.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (W), Coburn, Coleman, Cosby, Faulk, Ford, Fuller, Gaston, Grayson, Hall, Hettinger, Holley, Junkins, Kennedy, Lauderdale, Lindsey, Marietta, Martin, Mikell, Moore, Newman, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, White (G) and Zoghby.

—54

And the bill:

H. 775. Relating to Coffee County; providing for an expense allowance payable from the general fund of the county treasury for the probate judge; and providing further for the compensation of such official.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Blakeney, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Clark (J), Clark (W), Coburn, Coleman, Faulk, Gaston, Grayson, Grouby, Hall, Hettinger, Holley, Holmes, Hooper, Junkins, Kennedy, Lauderdale, Lindsey, Marietta, Martin, Melton, Moore, Newman, Parker, Penry, Poole, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, White (F), White (G) and Zoghby.

—55

And the bill:

H. 755. Relating to Mobile County; providing for the salary of the License Commissioner of Mobile County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Clark (J), Clark (W), Coburn, Coleman, Crow, Gaston, Grouby, Hall, Hettinger, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Lauderdale, McMillan, Marietta, Martin, Mikell, Moore, Newman, Parker, Penry, Poole, Rains, Rice, Richardson, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, White (G) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 756. To amend the Civil Service Act (Local Act No. 470, Approved September 15, 1939, Local Acts of Alabama, Page 298) so as to provide that the employees of the Utilities Board of the Town of Citronelle may voluntarily withdraw themselves and the Utilities Board from the county-wide civil service system of Mobile County, Alabama, and to provide for an election and the procedure for the election to determine whether the Utilities Board shall be subject to the county-wide civil service system of Mobile County, Alabama and to provide the employees the authority and procedure to vote in subsequent elections on the same issues.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Clark (W), Coburn, Coleman, Crow, Faulk, Gaston, Grouby, Hall, Harvey, Hettinger, Holmes, Hooper, Junkins, Kennedy, Lauderdale, Lindsey, McMillan, Marietta, Martin, Melton, Moore, Newman, Parker, Penry, Poole, Preuit, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, White (F), White (G) and Zoghby.

—55

And the bill:

H. 713. Relating to Madison County; to exempt from all county and local ad valorem taxes all property owned and used by the Mayfair Towers Corporation, a Huntsville, Alabama, corporation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Clark (W), Coburn, Coleman, Crow, Gaston, Grayson, Hall, Hettinger, Holmes, Hooper, Junkins, Kennedy, Lauderdale, Lindsey, Marietta, Martin, Melton, Mikell, Moore, Newman, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Turner, White (G) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Hall to suspend the rules in order to take up out of order the bill, H. 701, was lost.

Yeas 2; Nays 2.

Yeas: Reps. Grayson and Hall.

—2

Nays: Reps. Brooks and Hettinger.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 700. (With Amendment) To authorize Madison County, Alabama, to provide for the forfeiture of devices and weapons used in the commission or attempted commission of any crime against a person; to provide for the forfeiture of devices or weapons upon the conviction of a person of the crime of carrying a concealed weapon; to provide for the forfeiture of any device or weapon denominated as unlawful under the laws of the state or which is found on or about the person of any person who is prohibited by law from carrying or possessing said device or weapon; and to provide for the forfeiture of any device or weapon which is abandoned or otherwise found and the lawful owner cannot be located; and to exempt motor vehicles from the provisions of the act. To further provide for the disposition of said devices or weapons by the District Attorney by means of destruction, sale, or use for historical, instructional, or law enforcement upon court order and to exempt devices or weapons which are found to be stolen or otherwise wrongfully possessed and the lawful owner is located.

Was taken up.

The question was then on the adoption of the amendment reported by

the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

In section 5, page 3, delete entirely lines 8, 9, 10, 11, and 12 and in lieu thereof place the following:

divided as follows:

(a) 25% to the Madison County District Attorney to be placed in the District Attorney's fund; and

(b) 75% to the Madison County Sheriff to be placed in the Sheriff's fund to be used only for clothing allowance.

And the amendment was adopted.

Yeas 22; Nays 0.

Yeas:

Mr. Speaker, Beers, Box, Brooks, Bryant, Bugg, Buskey (James), Butler, Carter, Clark (W), Grayson, Hall, Harvey, Hettinger, Holmes, Lauderdale, Martin, Melton, Parker, Starkey, Thomas and White (G).

—22

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 700, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beers, Black, Box, Brakefield, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (J), Clark (W), Coleman, Davis, Goodwin, Grayson, Grouby, Hall, Hettinger, Holmes, Kennedy, Lauderdale, McMillan, Marietta, Martin, Melton, Moore, Parker, Penry, Poole, Preuitt, Rains, Seibels, Smith, Starkey, Thomas, Turner, White (G) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 730. Relating to Madison County; providing for a uniform and clothing allowance for deputies and other members of the Sheriff's force and repealing Act Number 920 of the 1973 Alabama Legislature.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Brakefield, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carter, Coburn, Coleman, Gaston, Goodwin, Grayson, Grouby, Hall, Hettinger, Kennedy, Lauderdale, McMillan, Marietta, Martin, Mikell, Moore, Newman, Parker, Rains, Starkey, Starr, Thomas, Turner, White (G) and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 96 TAKEN UP

And the bill:

H. 96. Relating to banks and branch banking: To permit any bank maintaining an office within any metropolitan statistical area to establish one or more branches at any location within said metropolitan statistical area with the consent and approval of the Superintendent of Banks; to define the term "metropolitan statistical area"; and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Which was temporarily postponed on the eighteenth legislative day, was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Campbell, the motion offered by Rep. Hammett to postpone further consideration of the bill, H. 96, to the twentieth legislative day, was tabled.

Yeas 38; Nays 36.

Yeas:

Reps.: Adams, Albright, Bachus, Beers, Box, Brooks, Bugg, Butler, Campbell, Carter, Clark (J), Clark (W), Cosby, Crow, Davis, Ford, Fuller, Gaston, Hall, Harper, Hettinger, Holmes, Johnson (Roy), Junkins, Kvalheim, Lindsey, McKee, Marietta, Martin, Melton, Nicholson, Parker, Sasser, Spratt, Starkey, Turner, White (G), and Zoghby.

—38

Nays:

Mr. Speaker, Blake, Blakeney, Brakefield, Britnell, Bryant, Burke, Buskey (James), Coburn, Faulk, Flowers, Goodwin, Hammett, Holley, Hooper, Johnson (R.G.), Lauderdale, McMillan, Mathis, Mitchell, Moore, Newman, Onderdonk, Poole, Preuitt, Rains, Rice, Richardson, Smith, Starr, Tanner, Thomas, Turnham, Venable, Warren and White (F).

—36

MOTION TO POSTPONE TABLED

On motion of Rep. Campbell, the motion offered by Rep. Hammett to

postpone further consideration of the bill, H. 96, to the twenty-second legislative day, was tabled.

Yeas 45; Nays 43.

Yeas:

Reps.: Adams, Albright, Bachus, Beers, Biddle, Bowling, Box, Brooks, Bugg, Butler, Campbell, Carter, Clark (J), Coleman, Cosby, Davis, Dutton, Escott, Fuller, Gaston, Gray, Hall, Harper, Hettinger, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McKee, McNair, Marietta, Martin, Mitchell, Nicholson, Penry, Pratt, Rogers, Sasser, Spratt, Starr, Turner, White (G) and Zoghby.

—45

Nays:

Mr. Speaker, Black, Blakeney, Boles, Brakefield, Britnell, Browder, Bryant, Burke, Buskey (James), Buskey (John), Carothers, Clark (D), Coburn, Faulk, Flowers, Goodwin, Hammett, Holley, Hooper, Johnson (R.G.), Lauderdale, McDowell, McMillan, Mathis, Moore, Newman, Onderdonk, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Smith, Starkey, Tanner, Thomas, Venable, Warren and White (F).

—43

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 262. COMMENDING MESSRS OSCAR L. LETHANDER, O. WALTER LETHANDER AND EDWARD ZIMNICKI OF AUBURN, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 211. COMMENDING THE ELBA HIGH SCHOOL "MARCHING TIGER" BAND.

Also:

H. J. R. 210. COMMENDING THE ENTERPRISE HIGH SCHOOL "WILDCAT" BAND.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 431. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to

purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 379. To require city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide vehicle liability insurance to cover personal liabilities of moving vehicle accidents for bus drivers or any employee required to transport pupils.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 210. COMMENDING THE ENTERPRISE HIGH SCHOOL "WILDCAT" BAND.

Also:

H. J. R. 211. COMMENDING THE ELBA HIGH SCHOOL "MARCHING TIGER" BAND.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 431. To amend Section 2-15-133 which requires licensed livestock

dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 379. To require city and county boards of education, the State Board of Education, the department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide vehicle liability insurance to cover personal liabilities of moving vehicle accidents for bus drivers or any employee required to transport pupils.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF THE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 161. DESIGNATING THE WEEK OF JUNE 3RD THROUGH 9TH, 1984, AS "ALABAMA RECYCLING WEEK".

Also:

H. J. R. 183. RECOGNIZING THE ALABAMA DEEP SEA FISHING RODEO AS A SPORTS EVENT OF NATIONAL PROMINENCE.

Also:

H. J. R. 197. WISHING MRS. MARY HOLLEY A SPEEDY RECOVERY.

Also:

H. J. R. 206. COMMENDING MR. JAMES P. HOMER FOR OUTSTANDING CONTRIBUTIONS TO LIVINGSTON UNIVERSITY.

Also:

H. J. R. 207. COMMENDING MISS TERESA LYNN CHAPPELL OF STERRETT, ALABAMA, MISS ALABAMA USA TEEN.

Also:

H. J. R. 208. COMMENDING MISS HEATHER BRYANT OF COOSADA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 209. COMMENDING JOHN SHAW HIGH SCHOOL, MOBILE, ALABAMA, ON THE 20TH ANNIVERSARY OF ITS FOUNDING.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES AND ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 161. DESIGNATING THE WEEK OF JUNE 3RD THROUGH 9TH, 1984, AS "ALABAMA RECYCLING WEEK."

Also:

H. J. R. 183. RECOGNIZING THE ALABAMA DEEP SEA FISHING RODEO AS A SPORTS EVENT OF NATIONAL PROMINENCE.

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H. J. R. 208. COMMENDING MISS HEATHER BRYANT OF COOSADA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 209. COMMENDING JOHN SHAW HIGH SCHOOL, MOBILE, ALABAMA, ON THE 20TH ANNIVERSARY OF ITS FOUNDING.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J):

S. 98. To Amend Act No. 83-838 of the 1983 Third Special Session of the Alabama legislature relating to reintegration of state prison inmates into society under the Supervised Intensive Restitution Program, so as to further specify the ineligibility of certain inmates convicted of certain crimes to participate in said program.

Also:

By Senator Mitchem:

S. 418. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 98. State Administration.

S. 418. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senators Drinkard and deGraffenried:

S. 428. To authorize fiduciaries to invest in and hold, in addition to any other investments authorized by law, interests in any common trust fund or collective investment fund maintained by any financial institution

having trust powers or in securities of or other interests in any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, provided that the portfolio of such fund, company or trust is limited to the classes of trust investments allowed by law.

Also:

By Senator Holmes:

S. 21. To create, within the Alabama Development Office, an Alabama Small Business Office of Advocacy to serve as the principal advocate in the state on behalf of small businesses, including advisory participation in the consideration of legislation and administrative regulations affecting small businesses; to specify the functions and duties of the office; and to require the office to submit an annual report to the Governor and the legislature describing the activities and recommendations of the office.

Also:

By Senators Mitchem and Little:

S. 317. To amend Sections 16-23-18 and 16-23-21 of the Code of Alabama 1975, relating to teacher training and certification, so as to provide further for the emergency secondary education scholarship fund and for regulations and certain penalties relating to recipients of such scholarships.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 428. Ways and Means.

S. 21. Small Business.

S. 317. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment.

By Senators Cooley and Bennett:

S. 438. To amend Section 12-15-7 of the Code of Alabama 1975, relating to appointment of juvenile probation officers, so as to provide further for such appointments.

Also:

By Senators Amari and Bennett:

S. 399. Relating to exempt property and allowances under the Probate Code; to permit employers to pay to the surviving spouse or to a person with custody over surviving children any wages or salary due an em-

ployee who dies intestate, said sum being considered a part of other exempt property and allowances.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 438. State Administration.

S. 399. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Bedford, Goodwin, Dial, Smith (J), Hilliard, Corbett, and Ellis:

S. 254. To amend Section 9-2-107, Code of Alabama 1975, relating to the State Park Revolving Fund, so as to provide that up to 2% of said fund may be encumbered each year for use in major repair and maintenance service of land, buildings, and permanent equipment fixed assets; and capital improvements or alteration to land, buildings, or permanent equipment.

Also:

By Senators Bedford, Smith (J), Dial, Goodwin, Foshee, Barron, Little, Menton, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Holmes, Strong, Ellis, and Cabaniss:

S. 264. To amend the definitions contained in § 13A-10-30 [in the criminal code article on escape and related crimes] to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 254. Ways and Means.

S. 264. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Cooley:

S. 87. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide a statute of limitations for paternity actions under this act; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination with his consent, as the natural father of a child born thereof; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 87. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senator Ellis:

S. 184. To amend Section 12-14-5, Code of Alabama 1975, which Sec-

tion relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

Also:

By Senators Foshee, Goodwin, Teague, Strong, Dial, Covington, Bedsole, Menton, Denton, Cooley, Langford, Drinkard, Corbett, Aldridge and Hand:

S. 185. To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, as amended, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

Also:

By Senator Bailey:

S. 283. Relating to prescription drugs which are not controlled substances, to prohibit the sale of such drugs and prescribing penalties therefor.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 184. Judiciary.

S. 185. Local Government.

S. 283. Judiciary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:35 P.M. on April 17, 1984.

H. J. R. 210

H. J. R. 211

H. 431

H. 379

Delivered to the Governor at 5:35 P.M. on April 17, 1984.

H. J. R. 161

H. J. R. 183

H. J. R. 197

REGULAR SESSION
19th Day

1099

H. J. R. 206
H. J. R. 207
H. J. R. 208
H. J. R. 209

JOHN W. PEMBERTON,
Clerk.

MOTION TO ADJOURN

Rep. Rice offered the motion that the House adjourn until 2:00 o'clock p.m., Wednesday, April 18, 1984.

SUBSTITUTE MOTION OFFERED

Rep. White (L) offered the substitute motion that the House adjourn until 12:01 a.m., Wednesday, April 18, 1984.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION ADOPTED

The substitute motion to the substitute motion offered by Rep. Sasser that the House adjourn until 10:00 o'clock a.m., Thursday, April 19, 1984, was adopted.

Yeas 49; Nays 47.

Yeas:

Reps. Adams, Albright, Black, Boles, Bowling, Brakefield, Britnell, Brooks, Burke, Butler, Carothers, Carter, Clark (D), Dutton, Escott, Faulk, Flowers, Goodwin, Hall, Hammett, Harper, Hooper, Johnson (R.G.), Laird, Lauderdale, Lindsey, McKee, Mc Millan, Martin, Mathis, Melton, Mikell, Newman, Payne, Penry, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Starkey, Trammell, Turnham, Venable, Warren, White (F), White (G) and White (L).

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Nays:

Mr. Speaker, Bachus, Beers, Blake, Blakeney, Box, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Ford, Fuller, Gaston, Gray, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, McDowell, McNair, Marietta, Mitchell, Moore, Nicholson, Onderdonk, Parker, Poole, Pratt, Rogers, Smith, Spratt, Starr, Thomas, Turner and Zoghby.

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ADJOURNMENT

On the motion as amended, the House adjourned until 10:00 o'clock a.m., Thursday, April 19, 1984.

TWENTIETH DAY

House of Representatives
Montgomery, Alabama
Thursday, April 19, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend L. C. Walker, Pastor, The First Baptist Church, Bessemer, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey, (James), Buskey, (John), Butler, Campbell, Carothers, Carter, Clark, (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the nineteenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the reading at length of the Journal of the House for the nineteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the nineteenth legislative day was approved.

S. 154 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 154, from the Standing Committee on Ways and Means to the Standing Committee on Military Affairs.

LEAVE OF ABSENCE

At the request of Rep. Mathis, leave of absence was granted for Rep. Grimsley, due to illness.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 768. (With Amendment): To provide that certain county officers and employees who belong to the state retirement system, who are deemed blind, shall be entitled to a minimum retirement benefit allowance.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 351. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1985.

H. 360. To make appropriations for the support and maintenance of the Tuskegee Institute for the fiscal year ending September 30, 1985.

H. 450. To make appropriations for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1985.

H. 599. To amend Section 16-13-190 of the Code of Alabama of 1975.

H. 623. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1985.

H. 715. To make appropriations for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1985.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 439. (With Substitute) (With Amendment): To provide fourteen percent, or other percent as provided herein, cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1985.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 356. To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with

substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 231. (With Substitute): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1985.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 769. To amend Section 35-4-6, Code of Alabama 1975, which provides for recordation of leasehold estates for more than 20 years, so as to provide further for the recordation of said leases.

S. 130. To be known as the "Alabama Nonprofit Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: definitions; general substantive provisions; formation of nonprofit corporations; amendments; merger, consolidation and sale of assets; dissolution; foreign nonprofit corporations; provides for fees and miscellaneous charges; and provide powers of probate judge or secretary of state; repealing Chapter 3 (Nonprofit Corporations) Articles 1 through 8 of Title 10 of the Code of Alabama (1975), Chapter 4, Articles 12 and 15 of Title 10 of the Code of Alabama (1975), § 10-4-261 through § 10-4-263; § 10-4-281 through § 10-4-284; and amending § 10-4-260 and § 10-4-280, Code of Alabama (1975).

S. 190. To amend Section 32-5A-154, Code of Alabama 1975, which prohibits overtaking and passing school buses, so as to increase the penalties for violations.

S. 257. To amend Sections 13A-12-170, 13A-12-171, 13A-12-172, 13A-12-175, 13A-12-178, 13A-12-179, Code of Alabama, 1975, relating to the sale, exhibition, etc., of pornographic materials to minors; to define and prohibit the display, distribution and exhibition of pornography to minors; to provide for the enjoining of violations of this Act by the circuit courts; to provide for the extradition of persons charged with violations of this Act; to provide for the forfeiture of materials used in violation of this Act; to repeal Sections 13A-12-176 and 13A-12-177, Code of Alabama, 1975; and to provide severability and effective dates.

S. 272. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

S. 274. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of the superintendent or any physician of a state mental health facility or hospital in criminal proceedings, upon proper notice.

S. 334. To adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the Legislature during the 1983 First and Second Special Sessions and the 1983 Regular Session, as contained in the 1983 Cumulative Supplement to the Code of Alabama 1975

and the 1983 Replacement Volume 17 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 90. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 728. To amend Section 38-7-2, Code of Alabama 1975, relating to child care so as to redefine the term "day care home."

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 373. (With Amendment): To amend Sections 34-14-3, 34-14-5, 34-14-6, 34-14-7 and 34-14-11 of the Code of Alabama 1975, which regulate hearing aid dealers and fitters, so as to provide further for license fees, permits and renewals of same and to provide for certain continuing education requirements for licensees.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 418. A bill to define and regulate health studios and to provide for criminal penalties.

S. 186. To define and regulate health studios and to provide for criminal penalties.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 447. (With Amendment): To amend Section 41-16-51, Code of Alabama 1975, as amended by Act No. 83-515 enacted during the 1983 Regular Session of the Legislature of Alabama, so as to remove the exemption of existing contracts up for renewal for sanitation or solid waste collection and disposal between counties and those providing the service and to restore the previously existing exemption for equipment used and consumed in the removal and routine operation of any waterworks system, sanitary sewer system, gas or electric system owned by municipalities, counties or public corporations, boards or authorities that are agencies, departments or instrumentalities of municipalities or counties among those contracts for which competitive bidding is not required.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered

same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 50. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 436. (With Substitute): Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by law to a state savings and loan association, federal savings bank, federal savings and loan association or federal savings and loan association service corporation; to provide that this Act makes no changes in laws pertaining to branch banks in Alabama; to provide for construction of this Act and for authority of the Superintendent of Banks; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

Rep. Horn, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 783. To authorize, based on certain legislative findings, municipalities situated in Alabama to alter and change water courses and to acquire, construct and develop wharves, warehouses, and other improvements related to the development and operation of river ports within a radius of twenty-five miles of the limits thereof in order to maximize the ability of such municipalities to promote the use of river and water transportation to take advantage of the transportation potential made possible by the Tombigbee Waterway provided that no such facility can be constructed or developed within the police jurisdiction of another municipality without the consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to authorize such municipalities to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds, to finance such river port facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such river port facilities, and to contract for joint construction and operation thereof; to make the provisions hereof severable; and to provide an effective date of the Act.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 592. (With Amendment): To amend Section 41-16-51, Code of Alabama 1975, as amended by Act No. 83-515 enacted during the 1983 Regular Session of the Legislature of Alabama, so as to remove the exemption of

existing contracts up for renewal for sanitation or solid waste collection and disposal between counties and those providing the service and to restore the previously-existing exemption for equipment used and consumed in the removal and routine operation of any waterworks system, sanitary sewer system, gas or electric system owned by municipalities, counties or public corporations, boards or authorities that are agencies, departments or instrumentalities of municipalities or counties among those contracts for which competitive bidding is not required.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 647. To further amend Section 11-54-120, Code of Alabama, 1975, respecting Industrial Development Boards to include as an Ancillary Facility, facilities which shall be suitable for use by any non-profit civic organization one of the purposes or objects of which is the promotion of participation by the public in public service affairs.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 332. (With Substitute): To authorize any county commission to create a communications district in such county for the purpose of establishing a local emergency telephone service, to provide for the governing body of the district, including its powers, and to provide for funding for such district, including provisions for levying a telephone service charge.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 696. Relating to the abandonment of the commission form of government by Class 7 municipalities; providing for the call of a referendum on the adoption of a mayor-council form of government with five (5) single-member districts; salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, all legal proceedings, and pension funds; providing for the continuation of all subordinate agencies of the municipality and all ordinances; providing for an effective date of this act, the repeal of all conflicting laws, and the severability of the provisions of this act.

S. 185. To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, as amended, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

Rep. Laird, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 21. To create, within the Alabama Development Office, an Alabama Small Business Office of Advocacy to serve as the principal advocate in the state on behalf of small businesses, including advisory participation in the consideration of legislation and administrative regulations affecting small businesses; to specify the functions and duties of the office; and to require the office to submit an annual report to the Governor and the legislature describing the activities and recommendations of the office.

Rep. Rains, Chairman of the Standing Committee on Local legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 637. Establishing the powers and authority of district attorney's investigators of the fourteenth judicial circuit of Alabama.

H. 779. Relating to Talladega County; authorizing certain county health officers or administrators to issue official death certificates, levy and collect fees therefor; and providing for the distribution of such revenues for county health purposes.

H. 792. To authorize and make provision for the incorporation in the City of Opelika of the Opelika Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Opelika; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to pro-

vide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities (of any such Authority, of securities) theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

H. 795. Relating to the City of Clanton in Chilton County; to alter the corporate boundaries so as to include additional lands within the corporate limits; and to provide for a referendum thereon.

H. 796. Relating to Clarke County; levying an additional ad valorem tax in the county to be used for school purposes and for the county general fund and providing for a referendum on such additional taxes.

H. 814. Relating to Lee County: providing certain annual salaries for the probate judge, sheriff, tax assessor, and tax collector.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report,

and they were severally read a second time and placed on the Calendar, to-wit:

H. 412. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing Mobile County under certain conditions to issue its general obligation bonds for the purpose of refunding any one or more issues of Outstanding Securities (as defined herein), to be additionally secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to said Constitution, as amended; authorizing Mobile County to apply proceeds of the Special Tax (as defined herein), whether or not any such bonds are issued, for payment of the Outstanding Securities; providing that none of the said bonds shall be chargeable against the limitation on the indebtedness of Mobile County contained in Section 224 of said Constitution and specifying certain details pertaining to the said bonds and leases.

The above bill was read a second time at length as required by the Constitution.

H. 608. Relating to Mobile County, to amend further Section 5 of an Act No. 242, S. B. 79, 1876 of the general assembly approved February 16, 1876 which regulates public schools in the County, as last amended by Act No. 480, S. 485, 1969 Regular Session (Acts 1969, p. 937), which relates to the county board of education, so as to remove language which gives the board's express consent to be sued.

H. 802. Relating to Mobile County; authorizing the county commission to extend, by resolution, the meeting days of the board of registrars during certain months as merited by certain circumstances and providing that this act shall be retroactive to May 1, 1982.

H. 803. Relating to the City of Prichard in Mobile County, Alabama; providing a certain reopening period for certain city employees and city library employees to become members of the "Municipal Employees Pension and Relief Fund" as provided for in Act No. 107, H. 150, of the 1956 Special Session (Acts 1956, p. 154), as amended, and prescribing rules and regulations relative to payment of necessary contributions to such fund for such employees who become members of such system as provided by this Act.

H. 804. To amend further Section 3 of Act No. 107, H. 150, 1st Special Session of 1956, Acts of Special Sessions 1956, p. 154, creating and providing for in the City of Prichard, Alabama a special fund to be known as "The Municipal Employees Pension and Relief Fund" so as to provide for the eligibility of certain city officials to be included in such pension and relief system.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 182. To amend Sections 40-12-248, 40-12-269 and 40-12-270, Code of Alabama, 1975, as amended, which relate to license taxes and registration fees on trucks and truck tractors so as to further provide for the collection, amount and distribution of such license taxes and registration fees.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 181. To amend Section 8-17-87, Code of Alabama, 1975, to provide that the inspection fee on gasoline be increased to \$.02 per gallon and the inspection fee on diesel fuel be increased to \$.02 per gallon. To amend Section 8-17-91, Code of Alabama, 1975, as amended, to provide for distribution of permit fees, inspection fees, penalties; refund of overpayments and to provide for appropriation of funds.

McDOWELL LEE,
Secretary.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Starkey:

H. 828. To make supplemental appropriations from the Public Road and Bridge Fund to the State Highway Department for the fiscal year ending September 30, 1984.

Committee on Ways and Means.

By Reps. Mitchell, Smith, Harvey, Bowling, Newman, Warren, Rice, White (F), Turnham, Carothers, Lauderdale, Blakeney, Rains, Coleman, Clark (J), Moore, and Johnson (Roy):

H. 829. To amend Sections 2-15-131 and 2-15-133, Code of Alabama 1975, relating to the Livestock Dealers' Financial Responsibility Act, so as to include catfish in the definition of livestock and to provide when payment of purchase of catfish is to be made by the dealer.

Committee on Agriculture and
Forestry.

By Rep. Grimsley (With Notice and Proof):

H. 830. Relating to Henry County, Alabama; providing for the amendment of Section 3 of Act No. 83-559 of the regular session of the 1983 legislature of the State of Alabama, providing for the compensation of the Clerks in the office of the County Revenue Commissioner.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 830, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Mathis and Grimsley (With Notice and Proof):

H. 831. Relating to Houston County; providing for a certain additional monthly expense allowance for the county coroner which shall terminate on December 31, 1986; providing for a certain monthly salary for such coroner to be effective at the beginning of the next term of office with such salary to be in lieu of all salaries and expense allowances heretofore pro-

vided by law for such coroner; authorizing the county commission to pay any operating expenses for such coroner's office retroactive to October 1, 1970; authorizing said coroner to appoint a deputy coroner to serve in his absence and specifically repealing certain conflicting laws.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 831, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Richardson:

H. 832. To allow certain foreign corporations which qualify for S corporation treatment under the Internal Revenue Code to pass the tax treatment through to shareholders as provided by the Internal Revenue Code instead of being taxed as provided by section 40-18-31, Code of Alabama 1975, on the entire net income of the corporation; and to provide for the determination of the amount of taxable income for such corporations.

Committee on Ways and Means.

By Reps. Clark (J) and Smith:

H. 833. To provide methods and procedures to be used for boll weevil eradication in cotton; to provide definitions; to allow entering into cooperative agreements; to allow inspections of premises; to require reports; to allow the establishments of quarantines and elimination zones and to provide for treatment of cotton in elimination zones to include destruction; to allow adoption of rules and regulations and penalties for their violation; to provide for certification of a cotton growers organization and for a referendum to be conducted by said organization; to provide for assessments to be paid by growers and penalties for failure to pay assessments; to provide for the promulgation of regulations.

Committee on Agriculture and
Forestry.

By Reps. Coleman, Bowling, Harvey and Newman:

H. 834. To amend Sections 34-7-1, 34-7-4, 34-7-11 and 34-7-40, Code of Alabama 1975, which provide for and regulate the practice of cosmetology, so as to provide further for said practice.

Committee on State Administration.

By Rep. Harper (With Notice and Proof):

H. 835. Relating to Mobile County; providing that any political subdivision or agency of such subdivision within the county shall solicit competitive bids when leasing any warehouse, storage, shop, office space or land from or to any individual, association, corporation, partnership or other business entity and prescribing certain bid procedures.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

REGULAR SESSION
20th Day

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TACHED TO THE BILL, H. B. 835, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Nicholson (With Notice and Proof):

H. 836. Relating to county health officers or administrators in Walker County; authorizing such persons to issue official death certificates.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 836, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Hooper, Gaston, Kvalheim, Sasser, Flowers, Harper, Preuitt, Hammett, Burke, Brooks, Seibels, White (G), Mathis, Coburn, Beers, and Cosby:

H. 837. To propose an Amendment to the Constitution of Alabama to provide that the people may propose the repeal and enactment of laws by an initiative referendum.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

By Rep. Adams:

H. 838. To amend Section 41-19-11 of the Code of Alabama 1975, as amended, relating to performance reports for all public institutions of higher education, so as to require certain student follow-up surveys as a part of the performance report.

Committee on Commerce and Industrial
Development.

By Rep. Lindsey (With Notice and Proof):

H. 839. Relating to county health officers or administrators in Cherokee County; authorizing such persons to issue official death certificates; providing penalties for violation of this Act; and to provide that fees collected for certain services shall be accounted for and remitted to the treasurer of the county board of health or like official for custody subject to disbursement in the interest of health services in the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 839, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Bryant and Poole (With Notice and Proof):

H. 840. To levy a finance charge of ten cents per acre to be assessed against lands in Hale County, Alabama, which are used for timber growing

purposes; to provide protection against forest fires, insects and disease within Hale County; to provide for a referendum on the question; and to prescribe the procedure for the collection of such assessments.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 840, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Horn (With Notice and Proof):

H. 841. Relating to the City of Birmingham in Jefferson County; to further amend Section 3.07 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, pp. 1004, et seq.), as amended, also known as the Mayor-Council Act of 1955, so as to provide that the City council may employ on behalf of said City such employees as said Council may deem necessary to assist the Council, and to provide conditions for inclusion in the general pension system of the municipality.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 841, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Kvalheim, Gaston, and Marietta (With Notice and Proof):

H. 842. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government, a council-manager form of government, or the mandated district-commission form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain provisions of this Act.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 842, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Marietta:

H. 843. To amend Sections 34-11-2, 34-11-4, 34-11-5, 34-11-6, 34-11-7, 34-11-8, 34-11-9, 34-11-11, 34-11-12, 34-11-13, 34-11-15, 34-11-32, and 34-11-35 of the Code of Alabama 1975, which relate to the regulation and registration of professional engineers and land surveyors, so as to regulate further such registration and the fees therefor; to provide for the issuance of certificates of authorization to certain corporations, partnerships or firms practicing engineering or land surveying; and to regulate further the compensation of members of the board of registration for professional engineers and land surveyors, and to provide for corporate practice.

Committee on Judiciary.

By Rep. Turnham:

H. 844. To amend Section 36-27-16 of the Code of Alabama 1975, relating to retirement allowances under the employees' retirement system so as to provide further for such allowances.

Committee on Ways and Means.

By Reps. Penry and McMillan (With Notice and Proof):

H. 845. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 845, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Johnson (R.G.):

H. 846. To amend Section 40-20-2, Code of Alabama 1975, so as to provide certain exemptions for occluded natural gas produced from coal seams and to provide for an expiration date.

Committee on Ways and Means.

By Reps. White (G), Bachus, Dutton, Laird, Starr, Clark (J), Poole, Beers, Perdue, and Kvalheim:

H. 847. To amend Section 6-5-332, Code of Alabama 1975, the Good Samaritan Law, so as to provide that any person rendering emergency care at the scene of an accident is exempt from certain civil liability.

Committee on Judiciary.

By Rep. Box:

H. 848. To provide further for warranties on new motor vehicles and provides for refunds for failure to conform to said warranties.

Committee on State Administration.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Starkey:

H. J. R. 263. APPROVING A COMMERCIAL HAZARDOUS WASTE TREATMENT FACILITY OR DISPOSAL SITE IN LOWNDES COUNTY.

WHEREAS, Act 81-1189, 3rd Special Session 1981 (Acts of 1981, 3rd Sp. Sess., p. 523), provides that no commercial hazardous waste treatment or disposal site not in existence on or before November 19, 1980, shall be situated without resolution giving approval therefor; and

WHEREAS, the effect of said Act 81-1189 has been to limit to one the commercial hazardous waste treatment and disposal sites in Alabama, to-wit: the site in Emelle in Sumter County, Alabama, operated by Chemical Waste Management; and

WHEREAS, recent events have shown that the United States Environmental Protection Agency and the Alabama Department of Environmental Management are unable to regulate adequately the treatment or disposal of hazardous waste within Alabama because of the existence of only one commercial site, which site allegedly is in violation of U. S. Environmental Protection Agency standards and regulations; and

WHEREAS, the geological formation in Lowndes County provides an excellent alternative location for the treatment and disposal of hazardous waste to prevent damage to the ecology, which Selma chalk formation covers an aquifer which is non-potable; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature approves a commercial hazardous waste treatment facility or disposal site to be situated and located within Lowndes County, Alabama, to be located in Sections 22, 26, 27, 34, and 35, all lying in Township 15 North, Range 14 East, Lowndes County, Alabama.

The resolution, H. J. R. 263, was read and referred to the Standing Committee on Rules.

Also:

By Reps.: White (F), Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

H. J. R. 264. COMMENDING OUR GRACIOUS CAPITOL HOSTESS, MRS. MARIE WALKER.

WHEREAS, Mrs. Marie Walker, though a native of Barbour County and a former public school teacher for some eight years, currently resides in Montgomery and has served as Capitol Hostess for the past 17 years; and

WHEREAS, from her desk in the first floor Rotunda, Mrs. Walker has scheduled innumerable group tours through the years, and has guided countless thousands of visitors and tourists through our beautiful Capitol; and

WHEREAS, a large majority of the tours conducted by Mrs. Walker includes groups of school children from throughout our State; these young students returned home with considerable knowledge of their Capitol, imparted by a gracious hostess thoroughly versed in the historic building's factual and legendary lore; and

WHEREAS, both gracious and imbued with patience, Mrs. Walker has indeed served with distinction as Capitol Hostess and she is to be most highly commended for her dedication, ability and inordinate State pride; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep admiration and regard, we hereby express warmest praise of Mrs. Marie Walker, to whom we are sincerely grateful and for whom a copy of this resolution shall be provided.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 264, was adopted.

H. 739 RE-REFERRED

At the request of Rep. Rains, the Speaker re-referred the bill, H. 739, from the Standing Committee on Ways and Means to the Standing Committee on State Administration.

NOTICE IN WRITING

Rep. Mitchell filed the following Notice in Writing:

Notice is hereby given that on the next legislative day, a motion will be made to suspend House Rule 24 for that day only.

NOTICE IN WRITING

Rep. Mitchell filed the following Notice in Writing:

Notice is hereby given that on the next legislative day, a motion will be made to suspend House Rule 24 for the duration of the 1984 Regular Session of the Alabama Legislature.

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. White (G), Biddle, Payne, Gray, Bachus, Seibels, Beers, Pratt, Boles, Trammell, Rogers, Horn, Perdue, McDowell, McNair, Davis, Spratt and Escott:

H. R. 265. COMMENDING MR. GOODLOE RUTLAND FOR OUTSTANDING SERVICE TO THE BOARD OF DIRECTORS OF THE BIRMINGHAM-JEFFERSON COUNTY CIVIC CENTER AUTHORITY.

Also:

By Rep. Gray:

H.R. 266. COMMENDING DEBATE CHAMPIONS STEPHEN DAVIDSON AND MICHAEL LAMMONS FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolutions were introduced:

By Reps. Turnham and Rice:

H. J. R. 267. CONGRATULATING DR. JAMES E. MARTIN, PRESIDENT, AUBURN UNIVERSITY.

WHEREAS, Dr. James E. Martin has been serving as President of Auburn University since February 15, 1984; and

WHEREAS, he came back to his native state after many years filled with academic accomplishments at several institutions including serving as President of the University of Arkansas System; and

WHEREAS, Dr. Martin has traveled throughout the state meeting with alumni and friends of the University, talking about the value of higher education as well as the future of Auburn University; and

WHEREAS, this man will help provide the kind of leadership which is necessary for our state to reach its potential in economic development and progress; and

WHEREAS, Dr. Martin will be formally inaugurated as the fourteenth president of Auburn University on April 27, 1984; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Dr. Martin and wish him many years of productivity and happiness at Auburn University and in the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. Martin and his family that they will know the Legislature's high regard for him.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 267, was adopted.

Also:

By Reps. Holley, Starkey, Rice, Box, Cosby, Coleman and White (F):

H. J. R. 268. DIRECTING THE COMMISSIONER OF REVENUE TO CEASE AND DESIST FROM HARASSING COIN-OPERATED AND SELF-SERVE LAUNDRIES AND ENFORCING COLLECTIONS PURSUANT TO TAXES WHICH HAVE BEEN REPEALED.

WHEREAS, The Alabama Legislature has received many complaints from citizens throughout the State, who earn a living by owning or operating coin-operated and self-service laundries, that the Office of the Commissioner of Revenue has attempted to and in some cases, has collected back-taxes which are neither owned nor due under the law; and

WHEREAS, Section 40-12-176, Code of Alabama 1975, which sets a graduating scale of sales for taxes due, in paragraph (P) specifically exempts "coin-operated or self-serve laundries" and the fee for such machines is "\$8.00"; and

WHEREAS, the Alabama Legislature is informed that the Office of the Commissioner of Revenue has erroneously or illegally ignored the provisions of Section 40-12-176, or is implementing said section erroneously or illegally; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby direct that the Commissioner of Revenue and the employees of the Department of Revenue cease and desist forthwith from implementing or collecting taxes pursuant to Section 40-12-176, Code of Alabama 1975, erroneously, illegally and in bad faith, so as to allow the true legislative intent of exemption from the graduated tax for coin-operated and self-serve laundries.

RESOLVED FURTHER, That we do direct the Clerk of the House to send a copy of this resolution to the Governor and to the Commissioner of Revenue.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 268, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 268:

Mr. Speaker, Adams, Albright, Beers, Black, Blakeney, Boles, Brakefield, Britnell, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (R.G.), Laird, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Reed, Richardson, Rogers, Sasser, Smith, Spratt, Tanner, Thomas, Trammell, Warren, White (G), and White (L):

Also:

By Rep. Holmes:

H. J. R. 269. WE CALL UPON THE STATE CAPITOL POLICE TO PUT FORTH EFFORTS TO HIRE BLACK CITIZENS OF THIS STATE WHEN FUTURE VACANCIES OCCUR.

WHEREAS, various departments in the state have put forth serious efforts to assure equal employment opportunities for all citizens in the state, and

WHEREAS, the State Capitol Police department has not lived up to this philosophy of equal employment opportunities for all citizens in this state, and

WHEREAS, the State Capitol Police department has approximately 28 whites and three blacks in its department, and

WHEREAS, many efforts and conversations have taken place with the State Capitol Police to encourage them to assure equal employment opportunities for all citizens, and

WHEREAS, the last eight employees hired by the State Capitol Police have been white,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call upon the State Capitol Police department to put forth efforts to hire black citizens of this state when future vacancies occur; and

BE IT FURTHER RESOLVED, That it is an embarrassment to the nineteen black members of the House of Representatives and five black members of the Senate for a state capital agency to have engaged in a pattern and practice of racial discrimination in employment as has the State Capitol Police.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 269, was adopted.

Also:

By Reps. Payne, Laird, Faulk, Rains, Seibels, Beers, White (G), White (F), Harper, Mathis, Zoghby, Mikell, Campbell, Fuller, White (L), Coleman, Britnell, Dutton, Butler, Starr, Holley, Hooper, McMillan, Penry, Blakeney and Coburn:

H. J. R. 270. CREATING THE LEGISLATIVE VOTING SECUR-

ITY INTERIM STUDY COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

WHEREAS, the House Rules, numbers 30 and 38, specifically prohibit any person voting for another legislator and

WHEREAS, a legislator's vote is his most sacred and individual responsibility in representing his people and another person voting for a legislator is tantamount to an invasion of privacy and stealing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby create the Legislative Voting Security Interim Study Committee of the House of Representatives which shall be charged with the duties to investigate, study and consider measures which will eliminate the gross abuses of voting security for legislative members in the Alabama House of representatives and restore their individual rights to vote.

RESOLVED FURTHER, That the committee shall be composed of five members of the House of Representatives, appointed by the Speaker of the House, who shall each receive their legislative per diem from funds appropriated to the use of the Legislature not to exceed \$8,000.00.

BE IT FURTHER RESOLVED, That the said committee shall give its written recommendations to the full body of the House of Representatives by the 5th legislative day of the Regular Session, 1985, at which time the committee shall stand discharged from any further duties and shall be dissolved.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 270, was adopted.

Also:

By Rep. Cosby:

H. J. R. 271. COMMENDING MRS. FAY BUNCH, STATE PRESIDENT OF THE VETERANS OF FOREIGN WARS LADIES AUXILIARY.

WHEREAS, the Legislature of Alabama in high commendation joins in recognition of April 28, 1984, as Fay Bunch Day in honor of the organization's current State President; and

WHEREAS, Mrs. Bunch, in responsible statewide leadership, has coordinated the organization's participation in its national cancer and research project as well as its support of the Lurleen B. Wallace Research Center in Birmingham; and

WHEREAS, during Mrs. Bunch's stewardship, the Auxiliary has further joined the VFW Post in its involvement and support in such commendable areas as the Veterans Administration hospitals and nursing homes; veterans' rehabilitation; in community services such as the March of Dimes, Boy Scouts, community beautification and the Kidney Foundation, among others; and

WHEREAS, the Auxiliary and Post, together, extend their activities in the promotion of Americanism, donating flags and literature; through sponsorship of Veterans Day programs; with their annual Sale of Buddy Poppies to aid disabled veterans; their Voice of Democracy Program; Patriotic Art and Hire the Handicapped Poster contests; recognition of law enforcement

officers and firefighters; and through distribution of safety and drug abuse literature in our schools; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Mrs. Fay Bunch, State President of the Veterans of Foreign Wars Ladies Auxiliary; we further voice praise of her distinguished tenure in statewide leadership of the Auxiliary, and direct that she receive a copy of this resolution in small token of our sincere regard.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 271, was adopted.

Also:

By Rep. Thomas:

H. J. R. 272. APPROVING A HAZARDOUS WASTE STORAGE FACILITY IN LAUDERDALE COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That, in accordance with Act. No. 81-1189, H. 24, 1981 Third Special Session, the Legislature gives final approval for one hazardous waste storage facility to be located within Lauderdale County.

The resolution, H. J. R. 272, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 578. To exempt George Lindsey Celebrity Benefit, Inc., and the Alabama Special Olympics or any predecessor organizations or entities, from the payment of all state, county and municipal sales and use taxes.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolution was introduced:

By Reps. Clark (J), Coleman, Lindsey, Richardson and Box:

H. J. R. 273. RATIFYING THE OCTOBER 14, 1983, AGREEMENT OF MUTUAL ASSISTANCE BETWEEN THE CHINA EXTERNAL TRADE DEVELOPMENT COUNCIL OF THE REPUBLIC OF CHINA AND THE STATE OF ALABAMA OF THE UNITED STATES OF AMERICA.

WHEREAS, in October 1983, an agreement was entered into between the China External Trade Development Council, hereinafter referred to as Council, and the State of Alabama, hereinafter referred to as State; and

WHEREAS, said Agreement, signed on October 14, 1983, by Kwang-Shih Chang, Chairman of the Board of Directors of the Council, and by George C. Wallace, Governor of the State of Alabama, was entered in anticipation of, and dependent upon, resolutions being passed by the State and the Council ratifying said Agreement; and

WHEREAS, said Agreement reads as follows, to-wit:

"WHEREAS, it is established that there is a great mutuality of interest in areas of social, economic, educational and cultural programs, and the conduct of such programs would bring our citizens closer together and strengthen international understanding and that it is the development of such mutuality of interest that is the most desired bond for common benefit; and

"WHEREAS, the acknowledgement of mutual friendship, understanding and goodwill would serve to enhance future trade development efforts between Taiwan, the Republic of China, and the State of Alabama; and

"WHEREAS, the Council and the State of Alabama each believe that the encouragement and promotion of trade is essential to an effective economic development program;

"IT IS THEREFORE MUTUALLY AGREED AS FOLLOWS:

"1. The Council and the State shall each take necessary steps to exchange trade and market information and to disseminate to the businessmen of the two countries information on the goods and services that are available from the other country.

"2. Both parties shall notify and assist each other in the holding of trade exhibitions, or fairs, of products of the two countries.

"3. Special effort shall be taken to continue to identify particular products and commodities which should be traded between Taiwan, the Republic of China, and Alabama.

"4. Frequent exchange visits shall be sponsored and promoted for delegations and businessmen of the two parties, and cooperation and assistance shall be extended to the visitors so sponsored by the other party.

"5. All such steps as may be necessary and feasible shall be taken to promote the trade and economic cooperation between the two parties.

"6. This Agreement may be terminated by either party without limitations upon ninety (90) days' written notice."; and

WHEREAS, the Alabama Legislature unanimously concurs in the mutual agreement of Council and State as hereinabove stated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby formally approve, sanction and ratify the October 14, 1983, AGREEMENT OF MUTUAL ASSISTANCE BETWEEN THE CHINA EXTERNAL TRADE DEVELOPMENT COUNCIL OF THE REPUBLIC OF CHINA AND THE STATE OF ALABAMA OF THE UNITED STATES OF AMERICA.

On motion of Rep. Clark (J), the rules were suspended and the resolution, H. J. R. 273, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Lindsey and Junkins:

H. R. 274. MOURNING THE DEATH OF MR. BYRON F. STANLEY OF FAIRVIEW COMMUNITY, CHEROKEE COUNTY, ALABAMA.

S. 176 RECOMMITTED

At the request of Rep. Starkey, the Speaker recommitted the bill, S. 176 to the Standing Committee on Ways and Means.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. White (F), the rules were suspended in order to take up out of order the bill, H. 199.

And the bill:

H. 199. To amend Section 36-23-1, Code of Alabama 1975, relating to the number of constables for each county, so as to permit any county, by local legislation to abolish such office in that county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 6.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Junkins, Kennedy, Kvalheim, Laird, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (F) and White (L).

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Nays:

Reps.: Bugg, Dutton, Lauderdale, Smith, Trammell and White (G).

—6

H. 62 TAKEN UP

And the bill:

H. 62. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1984.

Which was temporarily postponed on the fourteenth legislative day, was taken up.

S. 11 SUBSTITUTED FOR H. 62

On motion of Rep. Coleman, the bill, S. 11, was substituted for the bill, H. 62.

And the bill:

S. 11. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1984.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Mathis, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner, Venable, Warren, White (G), White (L) and Zoghby.

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H. 62 INDEFINITELY POSTPONED

On motion of Rep. Coleman, the bill, H. 62, was indefinitely postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 157. DESIGNATING THE WEEK OF APRIL 23-27, 1984, AS "ALABAMA STUDENT LEADERSHIP WEEK."

Also:

By Senators Langford and Dixon:

S. J. R. 158. COMMENDING MR. FRANK J. SEGO, MONTGOMERY CIVIC LEADER AND MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL EXCHANGE CLUB, ON HIS CANDIDACY FOR PRESIDENT-ELECT OF AMERICA'S EXCHANGE CLUBS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Cosby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 157, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Starr, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 158, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Parsons, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole,

Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 165. HONORING POSTHUMOUSLY ALABAMIANS RILEY W. SHAMBURGER, WADE GRAY, THOMAS W. RAY AND LEO BAKER.

Also:

By Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 166. CONGRATULATING DR. JAMES E. MARTIN, PRESIDENT, AUBURN UNIVERSITY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Cosby, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 165 and S. J. R. 166, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Little, Dixon, Corbett, deGraffenried, and Bedsole:

S. J. R. 149. COMMENDING GOVERNOR JOHN M. PATTERSON UPON HIS APPOINTMENT TO THE ALABAMA COURT OF CRIMINAL APPEALS.

Also:

By Senator Figures:

S. J. R. 154. COMMENDING C. F. VIGOR HIGH SCHOOL, PRICHARD, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Rains to suspend the rules and adopt the resolution, S. J. R. 149, the title of which is set out in the above and foregoing Message from the Senate, was lost, lacking a four-fifths vote.

Yeas 46; Nays 21.

Yeas:

Mr. Speaker, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Burke,

Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Faulk, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harvey, Hooper, Junkins, Kvalheim, Lindsey, McKee, Martin, Mikell, Mitchell, Moore, Newman, Penry, Poole, Pratt, Rains, Rice, Richardson, Sasser, Smith, Starkey, Tanner and Trammell.

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Nays:

Reps.: Brooks, Bryant, Bugg, Buskey (John), Davis, Grayson, Holmes, Horn, Kennedy, Lauderdale, McDowell, Onderdonk, Parker, Payne, Perdue, Reed, Rogers, Spratt, Thomas and White (L).

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The resolution, S. J. R. 149, was read and referred to the Standing Committee on Rules.

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 154, the title of which is set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 578. To exempt George Lindsey Celebrity Benefit, Inc., and the Alabama Special Olympics or any predecessor organizations or entities, from the payment of all state, county and municipal sales and use taxes.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 181. To amend Section 8-17-87, Code of Alabama, 1975, to provide that the inspection fee on gasoline be increased to \$.02 per gallon and the inspection fee on diesel fuel be increased to \$.02 per gallon. To amend Section 8-17-91, Code of Alabama, 1975, as amended, to provide for distribution of permit fees, inspection fees, penalties; refund of overpayments and to provide for appropriation of funds.

Also:

H. 182. To amend Sections 40-12-248, 40-12-269 and 40-12-270, Code of Alabama, 1975, as amended, which relate to license taxes and registration fees on trucks and truck tractors so as to further provide for the collection, amount and distribution of such license taxes and registration fees.

And finds same correctly enrolled.

JIMMY CLARK
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 275. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, April 19, 1984, we adjourn to meet again on Tuesday, April 24, 1984, at 12:00 noon.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 275, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S. J. R. 148. AMENDING ACT NO. 83-339, S. J. R. 47, 1983 REGULAR SESSION, WHICH CREATED A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ARTS AND HUMANITIES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 83-339, S. J. R. 47, 1983 Regular Session, is hereby amended to read as follows, viz:

"WHEREAS, the Legislature of Alabama notes that there is a growing recognition among Alabama citizens that the performing, visual and literary arts are important to the quality of life of every person, the cultural environment of our communities, the vitality of our cities and to the developing economy of the state; and

"WHEREAS, citizen demand for arts experiences has generated public and private support for the arts, creating a beneficial cultural and economic impact on the state; and

"WHEREAS, a 1981 statewide study has revealed great citizen interest in incorporating arts into the regular curriculum of our public schools; and

"WHEREAS, a 1982 study has revealed the arts to be of great eco-

conomic impact providing millions of dollars in revenue and providing many jobs; and

"WHEREAS, the 1982 Regular Session of the Alabama Legislature passed legislation permitting Alabama taxpayers to designate a portion of their refund to the Arts Development Fund; now therefore,

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on the Arts and Humanities, to meet and to report to the Legislature by the fifth legislative day of the 1986 Regular Session on the state of the Arts and Humanities as investigated by the Committee. Upon request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as the Committee's work may require. The Committee shall be composed of the two members from both houses who currently serve on the Arts Task Force of the National Council of State Legislatures and three other committee members from each house to be appointed by the Lieutenant Governor and the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be ex officio members of the Committee.

"The purpose of this interim committee shall be to study the matter set forth below and such other matters as it may deem appropriate to improve the environment of the state through the encouragement and expansion of the arts. Those specific matters shall be:

- "1. The appropriate level of state support for the arts;
- "2. The level of demand for the arts;
- "3. Methods to promote demand for the arts to increase employment for artists and income for arts organizations;
- "4. The place of arts in education;
- "5. The role of government in supporting the arts versus the role of the private sector;
- "6. The involvement of minorities in the arts;
- "7. The need for interim, standing or joint committees on the arts;
- "8. Alternate approaches to supporting the arts;
- "9. The use of public buildings in non-peak hours for arts activities;
- "10. The need for art in public places;
- "11. The availability and accessibility of the arts to all citizens.

"BE IT FURTHER RESOLVED, That the Interim Committee will study in general the way that public dollars are being invested in the arts so that these monies are multiplied as significantly as possible; and that the final report of the Committee, along with findings and recommendations, shall be submitted to each member of the Legislature no later than the fifth Legislative day of the 1986 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by

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the committee's chairman. Total expenditures of the committee shall not exceed \$10,000.00."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Zoghby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 148, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Drinkard, Dial, Teague, and Dixon:

S. J. R. 11. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE NON-FEDERAL ASPECTS AND RESPONSIBILITIES INVOLVED IN COMPLETING THE COOSA RIVER NAVIGATION PROJECT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of four members of the House to be appointed by the Speaker and four members of the Senate to be appointed by the Lieutenant Governor. The committee shall continue to exist until November 1, 1986, at which time it shall terminate. The committee, which shall be named the "Coosa River Study Committee," shall study those aspects of the proposed Coosa River Navigation Project which involve the State of Alabama. Priority will be given to the benefits to be derived, funding the non-Federal portion of the costs and meeting the responsibilities of the Coosa Valley Development Authority as the designated local sponsor. The committee shall elect at the first meeting a chairman and vice chairman from among their members.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed \$7,000.00 per year, which shall be payable from funds made available for legislative use.

The committee shall report its findings and suggestions to the full legislature at each regular session of the Legislature in 1984, 1985 and 1986.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Penry, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 11, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S. J. R. 146. COMMENDING THE MONTGOMERY CHAPTER OF PROFESSIONAL SECRETARIES INTERNATIONAL.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Starr, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 146, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Barron:

S. J. R. 170. CREATING THE HUNTSVILLE GOVERNMENTAL STUDY TASK FORCE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 170, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Goodwin:

S. J. R. 172. COMMENDING MRS. FAY BUNCH, STATE PRESIDENT OF THE VETERANS OF FOREIGN WARS LADIES AUXILIARY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House

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concurred in and adopted the resolution, S. J. R. 172, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senators Bedsole, Bailey, Covington, Smith (J), Smith (B) and Dial:

S. 113. To provide that local city and county boards of education, boards of trustees of colleges and universities and governing boards of other public supported education institutions shall provide certain leave options for tenured professional employees who serve in the Alabama legislature and full time members of the Governor's staff.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 113. Highway Safety.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Denton:

S. 363. To provide for payment of examination fees by credit unions.

Also:

By Senator Denton:

S. 397. To amend Section 22-21-260 of the Code of Alabama 1975, so as to exempt a Veterans Nursing Home operated by the Department of Veterans Affairs from definition as a health care facility.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 363. Banking.

S. 397. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Dial:

S. 472. To amend Section 9-3-12, Code of Alabama 1975, relating to the state forestry commission steering committee, so as to provide further for an increase in committee members and their appointment.

Also:

By Senator Bennett:

S. 242. To amend Section 25-5-1, Code of Alabama 1975, relating to definitions for the state workmen's compensation laws (Chapter 5, Title 25, Code of Alabama 1975), so as to include within the terms "employee" and "workmen" the employees of Tannehill furnace and foundry commission, so that such employees would be covered by workmen's compensation.

Also:

By Senator Bennett:

S. 325. Amending Sections 16-36-7 and 16-36-27 of the Code of Alabama, 1975, so as to allow State adoption and purchase of educational materials for children enrolled in the public kindergartens of the State.

Also:

By Senators Mitchem and Barron:

S. 470. To provide for the criminal offense of theft of trade secrets and trademarks and to prescribe penalty for conviction of such offense.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 472. Agriculture and Forestry.

S. 242. State Administration.

S. 325. Ways and Means.

S. 470. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senators Holmes, Foshee, Bedford, Bailey, Goodwin, Menton, Mitchem, deGraffenried, Barron, Bishop, Parsons, and Dial:

S. 336. To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to

the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

Also:

By Senators Goodwin, Strong and Teague:

S. 430. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, state community college, state junior college, state technical college, or state university, who is the dependent child or spouse who has not remarried, of a law enforcement officer or firefighter killed in the line of duty; to create a Tuition Eligibility Board to administer the provisions of the act and appointments and memberships; and to prescribe its composition, duties and responsibilities; to appropriate sufficient funds from the general fund of the state treasury; and to specifically repeal Act No. 82-277, S. 237 of the 1982 Regular Session (Acts 1982, p. 348), which is the "Policeman's Survivor Act" and conflicting laws; and to make the provisions retroactively effective.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 336. Agriculture and Forestry.

S. 430. Ways and Means.

BILLS ON THIRD READING

And the bill:

H. 678. To provide an annual supplemental retirement benefit to the retired district and circuit judges of the 36th Judicial Circuit, payable from the county treasury of the county comprising said circuit; to provide that the circuit and district court judge holding office on the effective date of this act may elect to come under this act and that any circuit or district court judge hereafter elected or appointed to office shall come under its provisions as a matter of law; to provide that said participating judges shall contribute to the county treasury a portion of their county salary supplement in order to qualify for the benefits provided herein; to provide that said judges shall begin drawing the additional retirement benefits provided herein at the time they qualify for and begin receiving benefits from the state judicial retirement fund; to provide that said participating judges may elect to withdraw contributions plus interest from the county treasury should their judicial service be terminated prior to becoming eligible for the benefits provided herein, or may elect to leave said contributions with the county treasury until such time as they attain a retirement age and become eligible to receive the benefits provided herein; to provide for a return of contributions, or any remaining portion thereof, to the estate of a participating judge should such judge die prior to becoming eligible for the benefits provided herein or prior to recouping all of his contributions; and to provide an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Bachus, Bowling, Box, Brooks, Bugg, Burke, Buskey (James), Carothers, Clark (D), Clark (W), Coburn, Crow, Dutton, Gaston, Hammett, Harper, Holmes, Junkins, Kennedy, Kvalheim, McDowell, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Nicholson, Poole, Rains, Rice, Seibels, Smith, Spratt, Tanner, Thomas, Trammell, Turner, Venable, White (F), and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 757. Relating to Lauderdale County; designating, the combination of offices of tax assessor and tax collector, pursuant to Act No. 81-606, H. 1084, 1981 Regular Session, as the Revenue Commissioner; providing further for the compensation, term, election and temporary appointment of said office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Bachus, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (James), Carothers, Carter, Clark (D), Clark (W), Coburn, Crow, Flowers, Fuller, Gaston, Harper, Holmes, Johnson (Roy), Junkins, Kennedy, Kvalheim, McMillan, Mathis, Mikell, Mitchell, Moore, Nicholson, Parker, Poole, Rains, Rice, Richardson, Seibels, Smith, Spratt, Tanner, Trammell, Turner, Venable, White (F), White (G) White (L) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 776. Relating to Escambia County; to amend Section 8 of Act No. 565, H. 967 of the 1953 Regular Session of the Alabama Legislature, which relates to privilege licenses, so as to increase the compensation of the inspector employed to assist the Judge of Probate in the enforcement of the provisions of said act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beers, Blake, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W),

Coburn, Crow, Flowers, Fuller, Grouby, Hammett, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, McMillan, Mathis, Mikell, Mitchell, Moore, Nicholson, Parker, Perdue, Poole, Rains, Rice, Richardson, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (F), White (G), White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 695. Relating to Jefferson County; to amend Section 2 of Act No. 681, H. 505 of the 1977 Regular Session of the Alabama Legislature, (Act 1977, p. 1181), relating to the compensation of the executive assistant to the sheriff of Jefferson County so as to provide further for said compensation of the executive assistant; and to repeal Act No. 83-589 of the 1983 Regular Session.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Bachus, Boles, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Clark (W), Coburn, Crow, Flowers, Gaston, Grayson, Grouby, Hammett, Harper, Holmes, Horn, Johnson (Roy), Kennedy, Kvalheim, McMillan, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Onderdonk, Parker, Payne, Perdue, Poole, Rains, Rice, Seibels, Smith, Spratt, Tanner, Trammell, Turner, Venable, White (F), White (G) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSORS ADDED

Reps. Davis, Spratt, Perdue, Gray and Rogers were added as co-sponsors to the bill, H. 695.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 276. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following bills in the order named be made the special, paramount and continuing order of business beginning Thursday, April 19, 1984, taking precedence over any other business of the House and any other pending Special Order until such time as said bills are disposed of:

<u>Bill No.</u>	<u>Page</u>	<u>Sponsor</u>	<u>Short Title</u>
H. 229 (w/sub.)	150	Coburn	General Fund budget
H. 230 (w/sub.)	150	Coburn	Non-state agencies' budget
H. 178	3(S)	Coburn	State employees pay raise
H. 591	153	Coburn	Transfers from State Insurance Fund prohibited
S. 223	15(S)	Bishop	Alabama Aeronautics Commission
H. 47	38	Turnham	Uniform Certificate of Title & Antitheft Act amended
H. 215	160	Onderdonk	Oil and gas severance tax
H. 697	3(S)	Zoghby	Dept. of Revenue; legal counsel
H. 698	4(S)	Zoghby	Dept. of Revenue; merit system appointments

UNFINISHED BUSINESS

On motion of Rep. Clark (J), the resolution, H. R. 276, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 229. (With Substitute) (With Amendment): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1985.

Was taken up.

SUBSTITUTE OFFERED

Rep. Coburn offered the following substitute to the bill, H. 229 and the pending substitute and amendment reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1985.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1984-85 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are

listed by programmatic area and the total for all programs are shown by the sources of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriate for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1985, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

2A. LEGISLATIVE:

1. EXAMINERS OF PUBLIC
ACCOUNTS,
DEPARTMENT OF:

- (a) Legislative Support Audit Services Program 4,300,000

The appropriation to the Examiners of Public Accounts shall include a transfer to the State Personnel Department of \$8,853.

SOURCE OF FUNDS:

(1) State General Fund	4,200,000		
(2) Federal Funds		100,000	

Total Department of Examiners of Public Accounts.	4,200,000	100,000	4,300,000
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2. LEGISLATIVE COUNCIL:

(a) Other Legislative Operations and Support Program	180,000
---	---------

(For Operations of the Council
including out-of-state travel by
Council members and members
of the Legislature authorized to
attend Legislative conferences
by joint resolution of the Legis-
lature.)

SOURCE OF FUNDS

(1) State General Fund	180,000	
<hr/>		
Total legislative Council	180,000	180,000
<hr/>		

3. LEGISLATIVE FISCAL OFFICE:

(a) Other Legislative Operations and Support Program	500,000
---	---------

SOURCE OF FUNDS:

(1) State General Fund	500,000	
<hr/>		
Total Legislative Fiscal Office ..	500,000	500,000
<hr/>		

4. LEGISLATIVE REFERENCE
SERVICE:

(a) Other Legislative Operations and Support Program	810,000
---	---------

The appropriation to the Leg-
islative Reference Service shall
include a transfer to the State
Personnel Department of \$546.

SOURCE OF FUNDS:

(1) State General Fund	810,000	
<hr/>		
Total Legislative Reference Service	810,000	810,000
<hr/>		

5. LEGISLATURE:

(a) Senate Operations Program ...	1,716,800
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(b) House Operations and Support Program	2,575,200
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(1) Copying Machine for Ways and Means Commit- tee, House Rules Commit-	
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tee and Speaker's of the House Office	50,000
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SOURCE OF FUNDS:

(1) State General Fund	4,342,000	
<hr/>		
Total Legislature	4,342,000	4,342,000
<hr/>		

**6. LEGISLATURES, NATIONAL
CONFERENCE OF STATE:**

(a) Other Legislative Operations and Support Program	56,565
---	--------

SOURCE OF FUNDS:

(1) State General Fund	56,565	
<hr/>		
Total National Conference of State Legislatures	56,565	56,565
<hr/>		

B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program	890,000
------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund	890,000	
<hr/>		
Total Court of Civil Appeals ..	890,000	890,000
<hr/>		

**2. COURT OF CRIMINAL
APPEALS:**

(a) Court Operations Program	1,270,000
------------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund	1,270,000	
<hr/>		
Total Court of Criminal Appeals	1,270,000	1,270,000
<hr/>		

**3. JUDICIAL INQUIRY
COMMISSION:**

(a) Administrative Services Pro- gram	75,000
--	--------

SOURCE OF FUNDS:

(1) State General Fund	75,000	
<hr/>		
Total Judicial Inquiry Commission	75,000	75,000
<hr/>		

4. JUDICIAL RETIREMENT
SYSTEM:

(a) Retirement Systems Program		1,323,600	
SOURCE OF FUNDS:			
(1) State General Fund	1,323,600		
<hr/>			
Total Judicial Retirement System	1,323,600		
<hr/>			
Total Judicial Retirement System	1,323,600		1,323,600
<hr/>			

5. SUPREME COURT:

(a) Court Operations Program		3,317,000	
SOURCE OF FUNDS:			
(1) State General Fund	3,300,000		
(2) Federal, Local and Miscellaneous Funds		17,000	
<hr/>			
Total Supreme Court	3,300,000	17,000	3,317,000
<hr/>			

6. UNIFIED JUDICIAL SYSTEM:
(Administrative Office of Courts)

(a) Court Operations Program		44,727,008	
(b) Administrative Services Program		2,772,992	
(c) Judicial Education and Training Program		300,000	
SOURCE OF FUNDS:			
(1) State General Fund	47,800,000		
<hr/>			
Total Unified Judicial System	47,800,000		47,800,000
<hr/>			

C. EXECUTIVE

1. ACADEMY OF HONOR,
ALABAMA:

(a) Historical Resources Management Program		850	
SOURCE OF FUNDS:			
(1) State General Fund	850		
<hr/>			
As provided in Section 41-11-6, <u>Code of Alabama 1975</u>			
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Total Alabama Academy of Honor	850	850
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2. ACCOUNTANCY, ALABAMA
STATE BOARD OF PUBLIC:

- | | |
|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program | 253,000 |
|--|---------|

The appropriation to the Alabama State Board of Public Accountancy shall include a transfer to the State Personnel Department of \$73.

SOURCE OF FUNDS:

- | | |
|--|---------|
| (1) Alabama State Board of Public Accountancy Fund | 253,000 |
|--|---------|

As provided in Section 34-1-22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board of withdrawn by request of applicant.....

Total Alabama State Board of Public Accountancy	253,000	253,000
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3. ADJUSTMENT, BOARD OF:

- | | |
|------------------------------------|---------|
| (a) Special Services Program | 215,000 |
|------------------------------------|---------|

SOURCE OF FUNDS:

- | | |
|------------------------------|--------|
| (1) State General Fund | 15,000 |
|------------------------------|--------|

For the General Fund Contribution to the total expenditure of \$750,000 pursuant to Section 41-9-73, Code of Alabama 1975, as amended.

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(2) State General Fund, Estimated 200,000

For expenditures as provided in Section 31-3-2 and Section 36-30-2, Code of Alabama 1975, as amended.

Total Board of Adjustment . . .	215,000	215,000
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4. AERONAUTICS, DEPARTMENT OF:

(a) Airport Development and Aeronautical Support Program 664,433

The appropriation to the Department of Aeronautics shall include a transfer to the State Personnel Department of \$219.

SOURCE OF FUNDS:

(1) Airport Development Fund. 664,433

As provided by Section 4-2-42, Code of Alabama 1975.

Total Department of Aeronautics	664,433	664,433
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5. AGING, COMMISSION ON:

(a) Planning and Advocacy for Elderly Program 14,413,115

The appropriation to the Commission of Aging shall include a transfer to the State Personnel Department of \$1,057.

SOURCE OF FUNDS:

(1) State General Fund-Transfer 850,000

(2) Federal, Local and Miscellaneous Funds 13,563,115

Total Commission on Aging . . .	850,000	13,563,115	14,413,115
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6. AGRICULTURAL AND

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**INDUSTRIAL EXHIBIT
COMMISSION, ALABAMA:**

(a) Agricultural Development Services Program	30,000
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SOURCE OF FUNDS:

(1) State General Fund	30,000
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Total Alabama Agricultural and Industrial Exhibit Commission	30,000	30,000
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**7. AGRICULTURAL CENTER
BOARD:**

(a) Agricultural Development Services Program	541,480
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The appropriation to the Agricultural Center Board shall include a transfer to the State Personnel Department of \$547.

SOURCE OF FUNDS:

(1) State General Fund	104,000
------------------------------	---------

For expense and awarding of prizes for fairs as provided in Section 2-7-2, Code of Alabama 1975.

(2) State General Fund-Transfer	263,000
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(3) Livestock Coliseum Fund	174,480
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Total Agricultural Center Board	367,000	174,480	541,480
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**8. AGRICULTURAL AND
INDUSTRIES, DEPARTMENT
OF:**

(a) Administrative Services Program	1,130,614
---	-----------

(b) Agricultural Inspection Services Program	9,589,598
--	-----------

(c) Laboratory Analysis and Disease Control Program	3,538,032
---	-----------

(d) Agricultural Development Services Program	445,556
---	---------

The appropriation to the Department of Agriculture and

Industries shall include a transfer to the State Personnel Department of \$30,931.

SOURCE OF FUNDS:

(1) State General Fund- Transfer	6,000,000		
(2) Federal, Local and Miscellaneous Funds		2,174,800	
(3) Shipping Point Inspection Fund		4,329,000	
<p>Pursuant to Sections 2-9-20 through 21, <u>Code of Alabama 1975</u>. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.</p>			
(4) Agricultural Fund		2,200,000	
Total Department of Agriculture and Industries	6,000,000	8,703,800	14,703,800

9. AIR TRANSPORTATION AND SERVICE, DEPARTMENT OF:

(a) Administrative Support Services Program	1,801,000
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The appropriation to the Department of Air Transportation and Service shall include a transfer to the State Personnel Department of \$1,384.

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SOURCE OF FUNDS:

(1) State General Fund- Transfer	1,696,000		
(2) Departmental Receipts ...		105,000	
<hr/>			
Total Department of Air Transportation and Service ...	1,696,000	105,000	1,801,000
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**10. ALCOHOLIC BEVERAGE
CONTROL BOARD, ALABAMA:**

(a) Alcoholic Beverage Manage- ment Program	22,189,448
(b) Licensing, Regulation and En- forcement Program	5,472,224
(c) Administrative Services Pro- gram	3,922,295

The appropriation to the Ala-
bama Alcoholic Beverages Con-
trol Board shall include a
transfer to the State Personnel
Department of \$63,793, and to
the Department of Mental
Health of \$1,000,000.

SOURCE OF FUNDS:

(1) ABC Board Fund	31,583,967
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In addition to the above
appropriations herein
made, there is hereby ap-
propriated for each addi-
tional retail store put into
operation during the fiscal
year, an amount equal to
the sum required to install
and operate the last com-
parable retail store put
into operation by said
Board provided, however,
that the sum appropriated
for the operation of retail
stores as provided herein
shall be reduced in like
manner for each retail
store closed or withdrawn
from operation during the
same period. There is fur-
ther appropriated to the
Alabama Alcoholic Bever-
age Control Board, after

provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriate herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic
Beverage Control Board

31,583,967 31,583,967

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**II. ARCHITECTS, BOARD FOR
REGISTRATION OF:**

- (a) Professional and Occupational
Licensing and Regulation Pro-
gram 150,000

The appropriation to the
Board for Registration of Ar-
chitects shall include a transfer
to the State Personnel Depart-
ment of \$109.

SOURCE OF FUNDS:

- (1) Fund of the Board for
Registration of Architects. 150,000
As provided in Section 34-
2-41, Code of Alabama
1975.....

Total Board for Registration of Architects	150,000	150,000
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**12. ARCHIVES AND HISTORY,
DEPARTMENT OF:**

- (a) Historical Resources Manage-
ment Program 1,014,150

The appropriation to the De-
partment of Archives and His-
tory shall include a transfer to
the State Personnel Depart-
ment of \$3,024.

SOURCE OF FUNDS:

- (1) State General Fund 1,000,000
(2) Federal, Local and Miscel-
laneous Funds 14,150

Total Department of Archives and History	1,000,000	14,150	1,014,150
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**13. ATTORNEY GENERAL,
OFFICE OF THE:**

- (a) Legal Advice and Legal Ser-
vices Program 4,786,729
(b) Fair Marketing Practices Pro-
gram 400,730

The appropriation to the Office
of the Attorney General shall

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include a transfer to the State
Personnel Department of
\$9,655.

SOURCE OF FUNDS:

(1) State General Fund- Transfer	4,000,000		
(2) Transfer from Pensions and Security		496,114	
(3) Federal, Local and Miscel- laneous Funds		691,345	
<hr/>			
Total Office of the Attorney General	4,000,000	1,187,459	5,187,459
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14. AUDITOR, STATE:

(a) Fiscal Management Program ..	756,000
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The appropriation to the State
Auditor shall include a transfer
to the State Personnel Depart-
ment of \$1,785.

SOURCE OF FUNDS:

(1) State General Fund	756,000	
<hr/>		
Total State Auditor	756,000	756,000
<hr/>		

15. BANKING DEPARTMENT,
STATE:

(a) Charter, License, and Regulate Financial Institutions Program	2,288,842
--	-----------

The appropriation to the State
Banking Department shall in-
clude a transfer to the State
Personnel Department of
\$3,388.

SOURCE OF FUNDS:

(1) Banking Assessment Fees.	1,827,542
As provided in Section 5- 2A-20, <u>Code of Alabama</u> 1975.	
(2) Bureau of Credit Unions .	213,000
As provided in Section 5- 17-7 and Section 5-2A- 103, <u>Code of Alabama</u> 1975, as amended.	

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(3) Loan Examination Fund .	248,300	
As provided in Section 5-2A-24, Section 5-16-38.1, and Section 5-18-5, <u>Code of Alabama 1975</u> , as amended.		

Total State Banking Department	2,288,842	2,288,842
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16. BAR ASSOCIATION, ALABAMA STATE:

(a) Professional and Occupational Licensing and Regulation Program		771,261
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SOURCE OF FUNDS:

(1) State Bar Association Fund.	771,261	
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As provided in Section 34-3-4, Code of Alabama 1975

Total Alabama State Bar Association	771,261	771,261
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17. BEAR CREEK DEVELOPMENT AUTHORITY:

(a) Water Resource Development Program		232,429
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SOURCE OF FUNDS:

(1) State General Fund	42,179	
(2) Federal, Local and Miscellaneous Funds	190,250	

Total Bear Creek Development Authority	42,179	190,250	232,429
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18. BRIERFIELD IRONWORKS PARK:

(a) Outdoor Recreation Sites and Services Program		103,607
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SOURCE OF FUNDS:

(1) State General Fund	25,000	
(2) Federal, Local and Miscellaneous Funds	78,607	

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Total Brierfield Ironworks Park	25,000	78,607	103,607
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**19. BUILDING COMMISSION,
STATE:**

- (a) Special Services Program 518,885

The appropriation to the State Building Commission shall include a transfer to the State Personnel Department of \$1,494.

SOURCE OF FUNDS:

(1) State General Fund- Transfer	300,000		
(2) Federal, Local and Miscellaneous Funds		218,885	

Total State Building Commission	300,000	218,885	518,885
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**20. CAHABA ADVISORY
COMMITTEE:**

- (a) Historical Resources Management Program 207,300

SOURCE OF FUNDS:

(1) State General Fund	21,300		
(2) Federal, Local and Miscellaneous Funds		186,000	

Total Cahaba Advisory Committee	21,300	186,000	207,300
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**21. CHIROPRACTIC EXAMINERS,
ALABAMA STATE BOARD OF:**

- (a) Professional and Occupational Licensing and Regulation Program 43,500

The appropriation to the Alabama State Board of Chiropractic Examiners shall include a transfer to the State Personnel Department of \$109.

SOURCE OF FUNDS:

- (1) Alabama State Board of

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Chiropractic Examiner's Fund.	43,500	
As provided in Section 34-24-143, <u>Code of Alabama 1975.</u>		
<hr/>		
Total Alabama State Board of Chiropractic Examiners.	43,500	43,500
<hr/>		

**22. CONSERVATION AND
NATURAL RESOURCES,
DEPARTMENT OF:**

(a) State Land Management Program.	809,150
(b) Outdoor Recreation Sites and Services Program	11,390,217
(c) Marine Police Program	2,141,269
(d) Wildlife and Game Program ..	10,898,391
(Of the above appropriation to the Wildlife and Game Program, \$100,000 shall be expended for capital outlay purposes for construction and improvements for boat ramps on public streams in Cullman County.)	
(e) Marine Resources Program ...	1,477,500
(f) Land and Water Conservation Program	1,200,000
(g) Administrative Services Program	2,200,135
(h) Land Survey Program	264,564

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses.

The appropriation to the Department of Conservation and Natural Resources shall include such funds as are necessary for the maintenance, staff and repair of the Governor's official beach mansion. The ap-

propriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of \$59,348.

SOURCE OF FUNDS:

- | | |
|---|------------|
| (1) State General Fund Transfer | 1,000,000 |
| (2) Alabama Recreation Capital Development Fund ... | 138,000 |
| (3) Game and Fish Fund | 10,898,391 |
| (4) State Lands Fund | 809,150 |

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

- | | |
|------------------------------|-----------|
| (5) Marine Resources Fund .. | 1,477,500 |
|------------------------------|-----------|

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

- | | |
|-------------------------------|-----------|
| (6) Marine Police Fund | 2,141,269 |
| (7) State Parks Fund | 9,752,217 |
| (8) Administrative Funds | 2,200,135 |

The funds hereinabove appropriated shall be payable as provided in Section

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9-2-1 et seq., Code of Ala-
bama 1975.

(9) Cigarette Tax	500,000		
(10) Land Survey Fund	264,564		
(11) Federal Land and Water Fund	1,200,000		
<hr/>			
Total Department of Conservation and Natural Resources	1,000,000	29,381,226	30,381,226
<hr/>			

**23. CONTRACTORS, STATE
LICENSING BOARD
FOR GENERAL:**

- (a) Professional and Occupational
Licensing and Regulation Pro-
gram 283,375

The appropriation to the State
Licensing Board for General
Contractors shall include a
transfer to the State Personnel
Department of \$401.

SOURCE OF FUNDS:

- (1) State Licensing Board for
General Contractors Fund. 283,375

Pursuant to Section 34-8-
25, Code of Alabama 1975.
In addition to the
amounts appropriated
hereinabove to the State
Licensing Board for Gen-
eral Contractors, there is
hereby appropriated such
an amount as may be nec-
essary to pay the refund of
any application for license
which may have been re-
jected by the Board or ap-
plication withdrawn by re-
quest of applicant.

Total State Licensing Board for General Contractors	283,375	283,375
<hr/>		

**24. CORRECTIONS, DEPARTMENT
OF:**

- | | |
|---|------------|
| (a) Administrative Services and
Logistical Support Program . . . | 6,253,600 |
| (b) Institutional Services Correc-
tions Program | 77,686,370 |
| (c) Correctional Industries Pro-
gram | 7,526,790 |

The appropriation to the De-
partment of Corrections shall
include a transfer to the State
Personnel Department of
\$134,726.

SOURCE OF FUNDS:

- | | |
|---|------------|
| (1) State General Fund-
Transfer | 84,100,000 |
| (2) Department of Corrections
Fund | 7,366,760 |

The Commissioner of Cor-
rections is authorized to
utilize funds herein appro-
priated as matching con-
tributions, where required
and appropriate, to gener-
ate additional funds which
would effectively increase
the appropriation for the
Department of Correc-
tions. Any such grant
funds so generated and in
direct support of the De-
partment of Corrections'
operations are also hereby
appropriated.

Total Department of Corrections	84,100,000	7,366,760	91,466,760
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**25. COSMETOLOGY, ALABAMA
BOARD OF:**

- | | |
|--|---------|
| (a) Professional and Occupational
Licensing and Regulation Pro-
gram | 447,000 |
|--|---------|

The appropriation to the Ala-
bama Board of Cosmetology
shall include a transfer to the
State Personnel Department of
\$656.

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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund	447,000	
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As provided in Section 34-7-42, Code of Alabama 1975.....

Total Alabama Board of Cosmetology	447,000	447,000
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**26. COUNSELING, ALABAMA
BOARD OF EXAMINERS IN:**

(a) Professional and Occupational Licensing and Regulation Program	42,600	
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund	42,600	
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As provided in Section 34-8A-6, Code of Alabama 1975.....

Total Alabama Board of Examiners in Counseling	42,600	42,600
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**27. CRIMINAL JUSTICE
INFORMATION CENTER,
ALABAMA:**

(a) Criminal Justice Information Services Program	2,595,592	
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The appropriation to the Alabama Criminal Justice Information Center shall include a transfer to the State Personnel Department of \$3,206.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,033,000	
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(2) Federal, Local and Miscellaneous Funds	562,592	
--	---------	--

Total Alabama Criminal Justice Information Center ...	2,033,000	562,592	2,595,592
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**28. DEVELOPMENT OFFICE,
ALABAMA:**

- | | |
|---|-----------|
| (a) Promotional Development Program-Alabama Film Commission | 205,000 |
| (b) Administrative Services Program—Office of Minority Business | 156,187 |
| (c) Industrial Development Program-Alabama Development Office | 2,371,000 |

The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of \$2,441.

SOURCE OF FUNDS:

(1) State General Fund-Transfer-Alabama Development Office	2,321,000		
(2) State General Fund-Transfer-Office of Minority Business	94,000		
(3) State General Fund-Transfer-Alabama Film Commission	205,000		
(4) Federal, Local and Miscellaneous Funds		112,187	
<hr/>			
Total Alabama Development Office	2,620,000	112,187	2,732,187
<hr/>			

29. DISTRICT ATTORNEYS:

- | | |
|-----------------------------------|-----------|
| (a) Court Operations Program | 8,900,000 |
|-----------------------------------|-----------|

The proposed spending plan included in the above total is as follows:

Salaries of District Attorneys

2,201,984

Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit

50,130

For the use of the elected Assistant

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District Attorney of the Bessemer Divi- sion of the 10th Ju- dicial Circuit	97,157
Salaries and ex- penses of Supernu- merary District At- torneys	866,421
For use in the Dis- trict Attorney's Of- fice of the 1st Judi- cial Circuit	83,891
For use in the Dis- trict Attorney's Of- fice of the 2nd Ju- dicial Circuit	71,921
For use in the Dis- trict Attorney's Of- fice of the 3rd Judi- cial Circuit	112,728
For use in the Dis- trict Attorney's Of- fice of the 4th Judi- cial Circuit	333,386
For use in the Dis- trict Attorney's Of- fice of the 5th Judi- cial Circuit	284,043
For use in the Dis- trict Attorney's Of- fice of the 6th Judi- cial Circuit	231,130
For use in the Dis- trict Attorney's Of- fice of the 7th Judi- cial Circuit	180,836
For use in the Dis- trict Attorney's Of- fice of the 8th Judi- cial Circuit	110,184
For use in the Dis- trict Attorney's Of- fice of the 9th Judi- cial Circuit	104,167
For use in the Dis- trict Attorney's Of-	

Office of the 10th Judicial Circuit	352,579
For use in the District Attorney's Office of the 11th Judicial Circuit	91,309
For use in the District Attorney's Office of the 12th Judicial Circuit	193,621
For use in the District Attorney's Office of the 13th Judicial Circuit	341,152
For use in the District Attorney's Office of the 14th Judicial Circuit	95,392
For use in the District Attorney's Office of the 15th Judicial Circuit	335,807
For use in the District Attorney's Office of the 16th Judicial Circuit	152,911
For use in the District Attorney's Office of the 17th Judicial Circuit	58,204
For use in the District Attorney's Office of the 18th Judicial Circuit	170,247
For use in the District Attorney's Office of the 19th Judicial Circuit	101,134
For use in the District Attorney's Office of the 20th Judicial Circuit	147,666
For use in the District Attorney's Office of the 21st Judicial Circuit	112,353
For use in the Dis-	

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istrict Attorney's Of- fice of the 22nd Ju- dicial Circuit	95,712
For use in the Dis- trict Attorney's Of- fice of the 23rd Ju- dicial Circuit	246,468
For use in the Dis- trict Attorney's Of- fice of the 24th Ju- dicial Circuit	89,274
For use in the Dis- trict Attorney's Of- fice of the 25th Ju- dicial Circuit	85,068
For use in the Dis- trict Attorney's Of- fice of the 26th Ju- dicial Circuit	150,572
For use inn the District Attorney's Office of the 27th Judicial Circuit	113,979
For use in the Dis- trict Attorney's Of- fice of the 28th Ju- dicial Circuit	140,801
For use in the Dis- trict Attorney's Of- fice of the 29th Ju- dicial Circuit	144,698
For use in the Dis- trict Attorney's Of- fice of the 30th Ju- dicial Circuit	144,667
For use in the Dis- trict Attorney's Of- fice of the 31st Ju- dicial Circuit	87,811
For use in the Dis- trict Attorney's Of- fice of the 32nd Ju- dicial Circuit	86,346
For use in the Dis- trict Attorney's Of- fice of the 33rd Ju- dicial Circuit	81,396

For use in the District Attorney's Office of the 34th Judicial Circuit	79,579	
For use in the District Attorney's Office of the 35th Judicial Circuit	59,175	
For use in the District Attorney's Office of the 36th Judicial Circuit	72,245	
For use in the District Attorney's Office of the 37th Judicial Circuit	95,996	
For use in the District Attorney's Office of the 38th Judicial Circuit	109,474	
For use in the District Attorney's Office of the 39th Judicial Circuit	81,386	
Appropriations of Salaries of Personnel Established by Statute are estimated. Travel Expense of District Attorneys	<u>75,000</u>	
	8,900,000	
SOURCE OF FUNDS:		
(1) State General Fund	8,900,000	
<hr/>		
Total District Attorneys	8,900,000	8,900,000
<hr/>		

30. ECONOMIC AND COMMUNITY
AFFAIRS,
ALABAMA DEPARTMENT OF:

(a) Administrative Program	3,257,887
(b) Planning Program	46,240,531
(c) Special Services Program	23,119,446
(d) Skills Enhancement and Employment Opportunities Program	65,467,322

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(e) Energy Management Program .	5,212,259
(f) Traffic Control and Accident Prevention Program	2,241,679
(g) Law Enforcement Planning and Development Program ...	1,716,338
(h) Administrative Support Ser- vices Program-Federal Prop- erty Assistance	949,358
(i) Regional Planning Commission Program	300,000
(j) To Support Federally Funded Programs-CSA Division	250,000

The appropriation to the Ala-
bama Department of Economic
and Community Affairs shall
include a transfer to the State
Personnel Department of
\$14,755.

SOURCE OF FUNDS:

(1) State General Fund- Transfer-Planning Pro- grams	3,040,531
(2) State General Fund- Transfer-Special Services Program	32,021
(3) State General Fund- Transfer-Energy Manage- ment Program	529,732
(4) State General Fund- Transfer-Traffic Control and Accident Prevention Program	168,378
(5) State General Fund- Transfer-Law Enforce- ment Planning and Devel- opment Program	279,338
(6) State General Fund- Transfer-Skills Enhance- ment and Employment Opportunities Program ...	150,000
(7) State General Fund- Transfer-To Support Fed- erally Funded Programs- CSA Division	250,000
(8) Federal, Local and Miscel- laneous Funds	144,376,367

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(9) Federal Property Assistance Fund	928,453		
<hr/>			
Total Alabama Department of Economic and Community Affairs	4,450,000	144,304,820	148,754,820
<hr/>			

**31. EMERGENCY MANAGEMENT
AGENCY:**

(a) Readiness and Recovery Program			2,690,198
The appropriation to the Emergency Management Agency shall include a transfer to the State Personnel Department of \$2,004.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	711,000		
(2) Federal, Local and Miscellaneous Funds		1,979,198	
<hr/>			
Total Emergency Management Agency	711,000	1,979,198	2,690,198
<hr/>			

**32. ENGINEERS AND LAND
SURVEYORS, STATE
BOARD OF REGISTRATION FOR
PROFESSIONAL:**

(a) Professional and Occupational Licensing and Regulation Program			311,260
The appropriation to the State Board of Registration for Professional Engineers and Land Surveyors shall include a transfer to the State Personnel Department of \$291.			
SOURCE OF FUNDS:			
(1) Professional Engineers' Fund		311,260	
As provided in Section 34-11-36, <u>Code of Alabama</u> 1974.			
<hr/>			

Total State Board of

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Registration for Professional Engineers and Land Surveyors	311,260	311,260

**33. ENVIRONMENTAL
MANAGEMENT,
DEPARTMENT OF:**

(a) Environmental Management Program		8,595,387
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The appropriation to the Department of Environmental Management shall include a transfer to the State Personnel Department of \$15,119.

SOURCE OF FUNDS:

(1) State General Fund- Transfer	2,049,318	
(2) Environmental Management Fund		6,546,069

As provided in Section 22-22A-11, Code of Alabama 1975 (1983 Cum. Supp.).

Total Department of Environmental Management ..	2,049,318	6,546,069	8,595,387

**34. ETHICS COMMISSION,
ALABAMA:**

(a) Regulation of Public Officials and Employees Program		251,000
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The appropriation to the Ethics Commission shall include a transfer to the State Personnel Department of \$547.

SOURCE OF FUNDS:

(1) State General Fund	251,000	
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Total Alabama Ethics Commission	251,000	251,000

**35. FARMERS' MARKET
AUTHORITY:**

(a) Agricultural Development Services Program		107,077
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The appropriation to the Farmers' Market Authority

shall include a transfer to the State Personnel Department of \$182.

SOURCE OF FUNDS:

(1) State General Fund- Transfer For Administra- tion	73,200		
(2) Farmers' Market Author- ity Fund-Revenue and Capital Outlay Account ..		33,877	
Total Farmers' Market Authority	73,200	33,877	107,077

36. FINANCE, DEPARTMENT OF:

(a) Fiscal Management Program ..	2,798,890
(b) Administrative Support Ser- vices Program	3,959,445

The appropriation to the Department of Finance shall include a transfer to the State Personnel Department of \$37,853.

SOURCE OF FUNDS:

(1) State General Fund	6,758,335	
Total Department of Finance ..	6,758,335	6,758,335

37. FINANCE, DEPARTMENT
OF,—STATE
INSURANCE FUND:

(a) Administrative Support Ser- vices Program	12,281,198
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SOURCE OF FUNDS:

(1) State Insurance Fund	12,281,198
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As provided in Sections
41-15-1 through 13, Code
of Alabama 1975.

Total Department of Finance- State Insurance Fund	12,281,198	12,281,198
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38. FOREIGN TRADE RELATIONS
COMMISSION:

(a) Special Services Program	50,000
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The appropriation to the Foreign Trade Relations Commission shall include a transfer to the State Personnel Department of \$36.

SOURCE OF FUNDS:

(1) State General Fund	50,000	
<hr/>		
Total Foreign Trade Relations Commission	50,000	50,000
<hr/>		

**39. FORENSIC SCIENCES,
DEPARTMENT OF:**

- (a) Forensic Science Service Program 4,415,000

The appropriation to the Department of Forensic Sciences shall include a transfer to the State Personnel Department of \$5,938.

SOURCE OF FUNDS:

(1) State General Fund	3,700,000	
(2) State General Fund-Capital Outlay	500,000	
(3) Federal, Local and Miscellaneous Funds		215,000
<hr/>		
Total Department of Forensic Sciences	4,200,000	215,000 4,415,000
<hr/>		

**40. FORESTERS, ALABAMA STATE
BOARD OF REGISTRATION
FOR:**

- (a) Professional and Occupational Licensing and Regulation Program 17,900

SOURCE OF FUNDS:

(1) Professional Foresters' Fund	17,900	
<hr/>		
As provided in Section 34-12-36, <u>Code of Alabama</u> 1975.		
<hr/>		
Total Alabama State Board of Registration for Foresters	17,900	17,900
<hr/>		

41. FORESTRY COMMISSION,
ALABAMA:

(a) Regional Operations Program .	9,154,520
(b) Forest Resource Planning and Development Program	3,289,310
(c) Executive Administration Pro- gram	354,335
(d) Administrative Services Pro- gram	1,353,835

The appropriation to the Ala-
bama Forestry Commission
shall include a transfer to the
State Personnel Department of
\$32,643.

SOURCE OF FUNDS:

(1) State General Fund- Transfer	7,800,000	
(2) Federal and Local Funds .		2,250,000
(3). Forestry Commission Fund.		4,102,000

Of the above appropria-
tions, \$550,000 shall be
used for rural and com-
munity fire protection.

Total Alabama Forestry Commission	7,800,000	6,352,000	14,152,000
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42. FUNERAL SERVICES,
ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	100,000
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The appropriation to the Ala-
bama Board of Funeral Service
shall include a transfer to the
State Personnel Department of
\$109.

SOURCE OF FUNDS:

(1) Alabama Funeral Direc- tors and Embalmers Fund As provided in Section 34-13- 23, <u>Code of Alabama 1975</u> , as amended	100,000
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Total Alabama Board of Funeral Service	100,000	100,000
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43. GEOLOGICAL SURVEY:

- (a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program. 1,985,472

The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of \$5,028.

SOURCE OF FUNDS:

- | | | |
|--|-----------|---------|
| (1) State General Fund | 1,350,000 | |
| (2) Federal, Local and Miscellaneous Funds | | 635,472 |
-

Total Geological Survey	1,350,000	635,472	1,985,472
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44. GORGAS MEMORIAL BOARD:

- (a) Historical Resources Management Program..... 9,945

SOURCE OF FUNDS:

- | | | |
|--|-------|-------|
| (1) State General Fund | 8,645 | |
| As provided in Section 41-9-220, <u>Code of Alabama 1975</u> and an additional amount. | | |
| (2) Federal, Local and Miscellaneous Funds | | 1,300 |
-

Total Gorgas Memorial Board	8,645	1,300	9,945
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45. GOVERNOR'S CONTINGENCY FUND:

- (a) Executive Direction Program . 400,000

SOURCE OF FUNDS:

- | | | |
|------------------------------|---------|--|
| (1) State General Fund | 400,000 | |
|------------------------------|---------|--|
-

Total Governor's Contingency Fund	400,000	400,000
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**46. GOVERNOR'S MANSION
ADVISORY BOARD:**

(a) Historical Resources Management Program		8,500
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	8,500	
<hr/>		
Total Governor's Mansion Advisory Board	8,500	8,500
<hr/>		

**47. GOVERNOR'S MANSION AND
COASTAL MANSION:**

(a) Executive Direction Program .		177,000
SOURCE OF FUNDS:		
(1) State General Fund	177,000	
<hr/>		
Total Governor's Mansion and Coastal Mansion	177,000	177,000
<hr/>		

48. GOVERNOR'S OFFICE:

(a) Executive Direction Program .		1,358,000
The appropriation to the Governor's Office shall include a transfer to the State Personnel Department of \$2,732.		
SOURCE OF FUNDS:		
(1) State General Fund	1,358,000	
<hr/>		
Total Governor's Office	1,358,000	1,358,000
<hr/>		

49. GOVERNOR'S OFFICE-LEGAL:

(a) Executive Direction Program .		102,000
SOURCE OF FUNDS:		
(1) State General Fund	102,000	
<hr/>		
Total Governor's Office-Legal .	102,000	102,000
<hr/>		

**50. GOVERNOR'S VOLUNTARY
CITIZEN PARTICIPATION:**

(a) Executive Direction Program .		59,000
SOURCE OF FUNDS:		
(1) Federal Funds	59,000	
<hr/>		

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Total Governor's Voluntary		
Citizen Participation	59,000	59,000

**51. HEALTH, DEPARTMENT OF
PUBLIC:**

- | | | |
|--|--|------------|
| (a) Clinical Health Services Program | | 42,257,304 |
| (b) Health Support Services Program | | 48,911,383 |

Of this amount \$6,577,885 shall go to support local health department services of which \$3,685,000 shall be used to provide a minimum staff in each of the sixty-seven counties, and the remaining amount shall be distributed on a one-to-one match with locally appropriated funds for the support of local health services on a per capita basis. At the end of the first quarter, any unmatched funds may be distributed to other counties with appropriate matching funds.

- | | | |
|---|--|-----------|
| (c) Administrative Services Program | | 4,506,456 |
|---|--|-----------|

The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of \$128,132.

SOURCE OF FUNDS:

- | | | |
|--|------------|-----------|
| (1) State General Fund | 16,295,000 | |
| (2) Cigarette Tax-.01 | | 1,175,000 |
| As provided in Section 40-25-2 and Section 40-25-23, <u>Code of Alabama 1975</u> , as amended. | | |
| (3) Cigarette Tax-.02 | | 2,165,116 |
| As provided in Section 40-25-2 and Section 40-25-23, <u>Code of Alabama 1974</u> , as amended. | | |
| (4) Vital Statistics Fund | | 1,409,239 |
| (5) Hospital Licensing Fund | | 205,000 |

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(6) Emergency Medical Services Fund	40,000		
As provided in Section 22-18-4, <u>Code of Alabama 1975.</u>			
(7) Local Health Departments.....	31,398,707		
(8) Nuclear Monitoring Fund	100,000		
(9) Radiation Safety Fund	50,000		
(10) Miscellaneous Funds	3,601,773		
(11) Federal Funds	39,235,308		
<hr/>			
Total Department of Public Health	16,295,000	79,380,143	95,675,143
<hr/>			

51A. HEALTH PLANING AGENCY:

(a) Health Support Services Program		2,145,700	
The appropriation to the Health Planning Agency shall include a transfer to the State Personnel Department of \$1,639.			
SOURCE OF FUNDS:			
(1) State General Fund	235,700		
(2) Certificate of Need		460,000	
(3) Federal, Local and Miscellaneous Funds		1,450,000	
<hr/>			
Total Health Planning Agency	235,700	1,910,000	2,145,700
<hr/>			

**52. HEARING AID DEALERS,
ALABAMA BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program		9,500	
SOURCE OF FUNDS:			
(1) State Board of Health—Hearing Aid Fund		9,500	
As provided in Section 34-14-33, <u>Code of Alabama 1975.</u>			
<hr/>			

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Total Alabama Board of Hearing Aid Dealers	9,500	9,500

**53. HEATING AND AIR
CONDITIONING
CONTRACTORS, BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Pro- gram		97,522
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The appropriation to the
Board of Heating and Air Con-
ditioning Contractors shall in-
clude a transfer to the State
Personnel Department of \$146.

SOURCE OF FUNDS:

(1) Heating and Air Condi- tioning Contractors Fund.	97,552	

Total Board of Heating and Air Conditioning Contractors ..	97,552	97,552

**54. ALABAMA HERITAGE TRUST
FUND:**

(a) Fiscal Management Program ..		20,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income ...	20,000	

Total Alabama Heritage Trust Fund	20,000	20,000

55. HIGHWAY DEPARTMENT:

(a) Central Administration Pro- gram		8,227,774
(b) Division and District Supervi- sion Program		16,079,297
(c) Operations & Support Services Program		7,118,870
(d) Maintenance Program		83,244,241
(e) Non-Programmatic Expendi- tures		40,590,134

Proposed Spending Plan for
the above (e) includes the fol-
lowing:

Debt Service..... 39,934,675

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Equipment—Other than Automotive ..	655,459	
(f) Construction-Federal Aid Pro- gram		403,281,987
Proposed Spending Plan for the above (f) includes the fol- lowing:		
Federal Aid Match- ing	55,987,188	
Non-Participating Work on Federal Projects	1,000,000	
Federal Aid	346,294,799	
(g) Construction-State Program ..		15,000,000
(h) Operations-Land and Buildings		1,339,000
The appropriation to the High- way Department shall include a transfer to the State Person- nel Department of \$271,601.		
SOURCE OF FUNDS:		
(1) State General Fund- Transfer	75,000	
(2) Public Road and Bridge Fund		228,511,504
(3) Federal Aid		346,294,799

There is hereby appropri-
ated, for payment of the
principal of and the inter-
est on all bonds heretofore
or hereafter issued for
public highways and
bridge purposes, or either,
by the State of Alabama,
Alabama Highway Author-
ity, Alabama Federal Aid
Highway Finance Author-
ity, or Alabama Highway
Finance Corporation, a to-
tal of \$39,934,675 or so
much as may be necessary
for payment of said princi-
pal and interest at their
respective maturities, of
the revenues pledged for
such payment. The High-
way Director with the con-
sent of the Governor and

the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h), of this section whenever such transfer shall be necessary to assure maximum utilization of Federal matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in section (e) hereof shall be paid in full-
- (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the

purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department . . .	75,000	574,806,303	574,881,303
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56. HISTORIC BLAKELEY AUTHORITY:

(a) Tourism and Travel Promotion Program			145,733
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SOURCE OF FUNDS:

(1) State General Fund	125,733		
(2) Federal, Local and Miscellaneous Funds		20,000	

Total Historic Blakeley Authority	125,733	20,000	145,733
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57. HISTORIC CHATTAHOOCHEE COMMISSION:

(a) Historical Resources Management Program			132,750
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SOURCE OF FUNDS:

(1) State General Fund	80,000		
(2) Federal, Local and Miscellaneous Funds		52,750	
		<hr/>	
Total Historic Chattahoochee Commission	80,000	52,750	132,750
	<hr/>		

**58. HISTORICAL COMMISSION,
ALABAMA:**

- | | |
|--|-----------|
| (a) Historical Resources Management Program | 1,197,475 |
| (b) Historical Resources Management Program-Capital Outlay | 250,000 |

The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of \$2,696.

SOURCE OF FUNDS:

- | | |
|---------------------------------------|---------|
| (1) State General Fund-Transfer | 597,908 |
|---------------------------------------|---------|

The State General Fund appropriation shall be distributed as follows:

Historical Commission, Alabama	444,586
Historical Commission, Alabama-La Grange	8,140
Historical Commission, Alabama-Richmond P. Hobson Memorial Board	5,994
Historical Commission, Alabama-Fort Morgan	105,938
Historical Commission, Alabama-Fort Toulouse	21,250
Historical Commission, Alabama-John	

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T. Morgan House,			
Selma	12,000		
(2) State General Fund- Transfer-Capital Outlay ..	250,000		
The State General Fund Transfer for Capital Out- lay shall be distributed as follows:			
Cahaba	200,000		
Fort Morgan	50,000		
(3) Federal, Local and Miscel- laneous Funds		599,567	
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Total Alabama Historical Commission	847,908	599,567	1,447,475
<hr/>			

59. INDUSTRIAL RELATIONS,
DEPARTMENT
OF:

(a) Unemployment Compensation Program	15,137,025		
(b) Skills Enhancement and Em- ployment Opportunities Pro- gram	18,056,913		
(c) Industrial Safety and Accident Prevention Program	6,707,903		
(d) Administrative Services Pro- gram	7,690,028		
(e) Employment and Social Op- portunities Program	387,970		

The appropriation to the De-
partment of Industrial Rela-
tions shall include a transfer to
the State Personnel Depart-
ment of \$149,335.

SOURCE OF FUNDS:

(1) State General Fund	750,000		
(2) Federal, Local and Miscel- laneous Funds		47,229,839	
<hr/>			
Total Department of Industrial Relations	750,000	47,229,839	47,979,839
<hr/>			

60. INSURANCE, DEPARTMENT
OF:

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- (a) Regulatory Services Program 1,556,484

The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of \$4,117.

SOURCE OF FUNDS:

- (1) State General Fund 1,260,000
- (2) Fire Marshals' Fund 296,484

As provided in Section 24-5-10, Code of Alabama 1975, as amended. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund.

Total Department of Insurance	1,260,000	296,484	1,556,484
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**61. INSURANCE BOARD, STATE
EMPLOYEES':**

- (a) Administrative Support Services Program 75,000

The appropriation to the State Employees' Insurance Board shall include a transfer to the State Personnel Department of \$73.

SOURCE OF FUNDS:

- (1) State General Fund 75,000

Total State Employees' Insurance Board	75,000	75,000
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**62. INTERIOR DESIGNERS,
ALABAMA STATE BOARD OF
REGISTRATION FOR:**

- (a) Professional and Occupational Licensing and Regulation Program 4,200

SOURCE OF FUNDS:

- (1) Interior Designers Fund. 4,200

As provided in Section 34-

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15A-7, Code of Alabama
1975 (1983 Cum. Supp.).

Total Alabama State Board of Registration for Interior Designers	4,200	4,200
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63. LABOR, DEPARTMENT OF:

(a) Regulatory Services Program .			299,000
The appropriation to the Labor Department shall include a transfer to the State Personnel Department of \$546.			
SOURCE OF FUNDS:			
(1) State General Fund	254,000		
(2) Federal, Local and Miscel- laneous Funds		45,000	
Total Department of Labor ...	254,000	45,000	299,000

**64. LANDSCAPE ARCHITECTS,
BOARD OF EXAMINERS OF:**

(a) Professional and Occupational Licensing and Regulation Pro- gram			11,645
(1) Landscape Architects Fund		11,645	
As provided in Section 34- 17-6, <u>Code of Alabama</u> <u>1975.</u>			
Total Board of Examiners of Landscape Architects		11,645	11,645

**65. LIQUEFIELD PETROLEUM GAS
BOARD:**

(a) Regulatory Services Program .			232,000
The appropriation to the Li- quefield Petroleum Gas Board shall include a transfer to the State Personnel Department of \$546.			
SOURCE OF FUNDS:			
(1) Liquefield Petroleum Gas Board Fund		232,000	

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Total Liquefield Petroleum Gas Board	232,000	232,000
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66. MEDICAID AGENCY, ALABAMA:

(a) Medical Assistance through Medicaid Program		435,361,400
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The appropriation to the Alabama Medicaid Agency shall include a transfer to the State Personnel Department of \$16,941.

SOURCE OF FUNDS:

(1) State General Fund- Transfer	101,354,228	
(2) Transfer from Pensions and Security		528,000
(3) Transfer from Mental Health		19,101,600
(4) Federal, Local and Miscel- laneous Funds		314,377,572

Total Alabama Medicaid Agency	101,354,228	334,007,172	435,361,400
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**67. MENTAL HEALTH,
DEPARTMENT OF:**

(a) Institutional Treatment and Care-Mental Illness Program ..		69,474,684
(b) Institutional Treatment and Care-Mental Retardation Pro- gram		56,168,885
(c) Institutional Treatment and Care-Criminally Insane Pro- gram		2,661,160
(d) Non-Institutional Treatment and Care-Program		16,975,642
(e) Administrative Services Pro- gram		3,849,477
(f) Community Mental Health Program		19,238,700

It is the intent of the Legisla-
ture that this appropriation be
used to fund Community
Mental Health Programs and
that none of said appropriation

be shifted to any other program. The appropriation herein provided shall be for the provision of community mental illness and substance abuse programs and services operated by Mental Health/Mental Retardation Boards created pursuant to Section 22-51-1 et seq., Code of Alabama 1975, and certified by the Department of Mental Health. In the event that no such program is certified by the Department of Mental Health in a particular catchment area, funds under this appropriation may be expended through other certified community programs in said catchment area. Of the appropriation hereinabove made to the Department of Mental Health, there shall be at least \$6,260,000 expended for the treatment of rehabilitation for and education on alcohol and drug abuse. The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of \$383,520.

SOURCE OF FUNDS:

- | | |
|--|-------------|
| (1) Special Mental Health Trust Fund | 101,479,595 |
| <p>For Operations and Maintenance of the State Mental Health Department including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals.</p> | |
| (2) Special Mental Health Trust Fund-Community Programs | 14,525,871 |
| (3) Transfer from ABC Profits | 1,000,000 |

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(4) Cigarette Tax—\$.01	850,000	
(5) Cigarette Tax—\$.02	4,600,000	
(6) Federal, Local and Miscellaneous Funds	45,913,082	
		<hr/>
Total Department of Mental Health	168,368,548	168,368,548
		<hr/>

68. MILITARY DEPARTMENT:

(a) Military Operations Program ..	4,725,500
(b) Capital Outlay	674,500

The appropriation to the Military Department shall include a transfer to the State Personnel Department of \$11,403.

SOURCE OF FUNDS:

(1) State General Fund-Operations	1,377,426	
(2) State General Fund-Quarterly Allowances Headquarters-Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters	1,192,590	
(3) State General Fund-Transfer-Capital Outlay for Architect and Engineering Services and specifications and construction of facilities	674,500	
(4) State General Fund-Active Military Service	142,900	
(5) State General Fund-Transfer to Armory Commission	2,007,584	
(6) State General Fund-Dropping Allowance	5,000	
		<hr/>
Total Military Department ...	5,400,000	5,400,000
		<hr/>

69. MILITARY

DEPARTMENT—ARMORY
COMMISSION OF ALABAMA:

(a) Military Operations Program . 3,504,101

SOURCE OF FUNDS:

(1) Transfer from Military Department	2,007,584
(2) Federal, Local and Miscellaneous Funds	1,496,517

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities.

Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama	3,504,101	3,504,101
--	-----------	-----------

70. MOTOR SPORTS HALL OF FAME:

(a) Tourism and Travel Promotion Program 75,000

SOURCE OF FUNDS:

(1) State General Fund 75,000

Total Motor Sports Hall of Fame	75,000	75,000
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71. MUSIC HALL OF FAME BOARD:

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(a) Fine Arts Program			45,500
SOURCE OF FUNDS:			
(1) State General Fund	25,000		
(2) Federal, Local and Miscellaneous Funds		20,500	
<hr/>			
Total Music Hall of Fame Board	25,000	20,500	45,500
<hr/>			

**72. NURSING HOME
ADMINISTRATORS, BOARD OF
EXAMINERS OF:**

(a) Professional and Occupational Licensing and Regulation Program			40,000
The appropriation to the Board of Examiners of Nursing Home Administrators shall include a transfer to the State Personnel Department of \$73.			
SOURCE OF FUNDS:			
(1) Board of Examiners of Nursing Home Administrators Fund		40,000	
As provided in Section 34-20-7, <u>Code of Alabama 1975</u> , as amended.			
<hr/>			
Total Board of Examiners of Nursing Home Administrators		40,000	40,000
<hr/>			

73. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Development Program			1,520,000
The appropriation to the Oil and Gas Board shall include a transfer to the State Personnel Department of \$2,769.			
SOURCE OF FUNDS:			
(1) State General Fund	1,500,000		
(2) Federal, Local and Miscellaneous Funds		20,000	
<hr/>			
Total Oil and Gas Board	1,500,000	20,000	1,520,000
<hr/>			

74. PARDONS AND PAROLES,
BOARD OF:

- | | |
|---|-----------|
| (a) Administration of Pardons and Paroles Program | 7,048,650 |
|---|-----------|

The appropriation to the Board of Pardons and Paroles shall include a transfer to the State Personnel Department of \$17,888.

SOURCE OF FUNDS:

- | | | |
|--|-----------|-----------|
| (1) State General Fund | 5,400,000 | |
| (2) Probationers Upkeep Fund. | | 1,551,573 |
| (3) Federal, Local and Miscellaneous Funds | | 97,077 |

Total Board of Pardons and Paroles	5,400,000	1,648,650	7,048,650
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75. PEACE OFFICERS' ANNUITY
AND
BENEFIT FUND, ALABAMA:

- | | |
|----------------------------------|---------|
| (a) Retirement Systems Program . | 211,433 |
|----------------------------------|---------|

The appropriation to the Alabama Peace Officers' Annuity and Benefit Fund shall include a transfer to the State Personnel Department of \$255.

SOURCE OF FUNDS:

- | | |
|--|---------|
| (1) Peace Officers' Annuity and Benefit Fund | 211,433 |
|--|---------|

As provided in Section 36-21-66, Code of Alabama 1975

Total Alabama Peace Officers' Annuity and Benefit Fund	211,433	211,433
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76. PENSIONS AND SECURITY,
DEPARTMENT OF:

- | | |
|-----------------------------------|-------------|
| (a) Economic Assistance Program | 172,489,979 |
| (b) Social Services Program | 75,474,610 |

The appropriation to the Department of Pensions and Security shall include a transfer

to the State Personnel Department of \$295,063.

SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds	171,039,373	
(1) ABC Profits	1,717,479	
(3) Whiskey Tax	18,762,737	
(4) Beer Tax	7,280,000	
(5) Pension Residue	13,500,000	
(6) Sales Tax	1,322,000	
(7) Franchise Tax	10,500,000	
(8) Contracts, Service Fees ..	120,000	
(9) Child Support Collections	2,423,000	
(10) Sales Tax for Food Stamps	15,000,000	
(11) Cigarette Tax	4,200,000	
(12) Contractor's Gross Receipts Tax	2,100,000	
		<hr/>
Total Department of Pensions and Security	247,964,589	247,964,589
		<hr/>

77. PERSONNEL DEPARTMENT,
STATE:

(a) Administrative Support Program	2,104,262	
SOURCE OF FUNDS:		
(1) Transfer from Department of Aeronautics	219	
(2) Transfer from Commission on Aging	1,057	
(3) Transfer from Board of Public Accountancy	73	
(4) Transfer from Agriculture and Industries	30,931	
(5) Transfer from Agricultural Center Board	547	
(6) Transfer from Air Transportation	1,384	
(7) Transfer from Alcoholic Beverage Control Board ..	63,793	
(8) Transfer from Board of Registration for Architects	109	

(9) Transfer from Archives and History	3,024
(10) Transfer from the Council on Arts and Humanities .	619
(11) Transfer from the Office of the Attorney General ..	9,655
(12) Transfer from the State Auditor	1,785
(13) Transfer from State Banking Department	3,388
(14) Transfer from Finance-Alabama Building Authority	2,332
(15) Transfer from Finance-Alabama Building Finance Authority	2,332
(16) Transfer from Building Commission	1,494
(17) Transfer from Chiropractic Examiners	109
(18) Transfer from Civil Air Patrol	73
(19) Transfer from Local Civil Defense	930
(20) Transfer from Conservation Department	59,348
(21) Transfer from State Licensing Board for General Contractors	401
(22) Transfer from Department of Corrections	134,726
(23) Transfer from Board of Cosmetology	656
(24) Transfer from Criminal Justice Information Center	3,206
(25) Transfer from Alabama Development Office	2,441
(26) Transfer from State Docks	39,711
(27) Transfer from Education .	91,080
(28) Transfer from the Department of Economic and Community Affairs	14,755
(29) Transfer from Emergency Management	2,004

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(30) Transfer from Board of Registration for Profes- sional Engineers and Land Surveyors	291
(31) Transfer from Environ- mental Management	15,119
(32) Transfer from Ethics Commission	547
(33) Transfer from Examiners of Public Accounts	8,853
(34) Transfer from Farmer's Market Authority	182
(35) Transfer from Finance Department	37,853
(36) Transfer from Firefighters Personnel Standards and Education Commission	182
(37) Transfer from Foreign Trade Commission	36
(38) Transfer from Department of Forensic Sciences	5,938
(39) Transfer from Forestry Commission	32,643
(40) Transfer from Funeral Services	109
(41) Transfer from Geological Survey	5,028
(42) Transfer from Governor's Office	2,732
(43) Transfer from Department of Public Health	129,771
(44) Transfer from Board of Heating and Air Condi- tioning Contractors	146
(45) Transfer from Highway Department	271,601
(46) Transfer from Alabama Historical Commission	2,696
(47) Transfer from Industrial Relations	149,335
(48) Transfer from Insurance Department	4,117
(49) Transfer from State Em- ployees' Insurance Board	73

(50) Transfer from Department of Labor	546
(51) Transfer from Legislative Reference Service	546
(52) Transfer from Liquefield Petroleum Gas Board	546
(53) Transfer from Alabama Medicaid Agency	16,941
(54) Transfer from Department of Mental Health	383,520
(55) Transfer from Military Department	11,403
(56) Transfer from Board of Nursing	838
(57) Transfer from Examiners of Nursing Home Administrators	73
(58) Transfer from Oil and Gas Board	2,769
(59) Transfer from Pardons and Paroles	17,888
(60) Transfer from Peace Officers' Annuity and Benefit Fund	255
(61) Transfer from Peace Officers' Standards and Training Commission	182
(62) Transfer from Department of Pensions and Security ..	295,063
(63) Transfer from Physical Fitness Commission	291
(64) Transfer from Board of Physical Therapy	73
(65) Transfer from Public-Library Service	4,481
(66) Transfer from Department of Public Safety	83,721
(67) Transfer from Public Service Commission	7,760
(68) Transfer from Publicity and Information	4,335
(69) Transfer from Alabama Public Television Network	6,376
(70) Transfer from Real Estate Commission	984

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(71) Transfer from Retirement Systems	6,485	
(72) Transfer from Department of Revenue	78,875	
(73) Transfer from Secretary of State	1,858	
(74) Transfer from Securities Commission	1,384	
(75) Transfer from Board of Social Work Examiners ..	73	
(76) Transfer from Soil and Water Conservation Committee	328	
(77) Transfer from Surface Mining Commission	3,971	
(78) Transfer from State Treasurer	2,951	
(79) Transfer from Department of Veterans Affairs	3,753	
(80) Transfer from Department of Youth Services	26,559	
Total State Personnel Department	2,104,262	2,104,262

78. PHYSICAL THERAPY, BOARD OF:

- (a) Professional and Occupational Licensing and Regulation Program

58,011

The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of \$73.

SOURCE OF FUNDS:

- (1) Physical Therapy Fund ..

58,011

As provided in Section 34-24-195, Code of Alabama 1975.

Total Board of Physical Therapy	58,011	58,011
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79. POLYGRAPH EXAMINERS, BOARD OF:

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(a) Professional and Occupational Licensing and Regulation Pro- gram	29,500
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SOURCE OF FUNDS:

(1) Board of Polygraph Exam- iners Fund	29,500
--	--------

As provided in Section 34-
25-5, Code of Alabama
1975, as amended.

Total Board of Polygraph Examiners	29,500	29,500
---	--------	--------

80. PROSECUTION SERVICES,
OFFICE OF:

(a) Prosecution, Training, Educa- tion and Management Program	443,912
--	---------

(1) Office of Prosecution Ser- vices Fund	443,912
--	---------

Total Office of Prosecution Services	443,912	443,912
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81. PSYCHOLOGY, ALABAMA
BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Pro- gram	27,466
--	--------

SOURCE OF FUNDS:

(1) Board of Examiners of Psychology Fund	27,466
--	--------

As provided in Section 34-
26-43, Code of Alabama
1975, as amended.

Total Alabama Board of Examiners in Psychology	27,466	27,466
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82. PUBLIC SAFETY,
DEPARTMENT OF:

(a) Traffic Control and Accident Prevention Program	19,220,942
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(b) Criminal Investigation Pro- gram	4,281,638
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(c) Driver's Licensing and Improvement Program	7,769,606
(d) Public Safety Support Services Program	5,665,389
(e) Administrative Services Program	2,091,756
(f) Alabama Criminal Justice Training Center Program	970,669

The appropriation to the Department of Public Safety shall include a transfer to the State Personnel Department of \$83,721.

SOURCE OF FUNDS:

(1) State General Fund	40,000,000	
<hr/>		
Total Department of Public Safety	40,000,000	40,000,000
<hr/>		

83. PUBLIC SERVICE COMMISSION:

(a) Regulatory Services Program .	4,651,332
(b) Administrative Services Program	1,153,168

The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of \$7,760.

SOURCE OF FUNDS:

(1) Public Service Commission Fund	5,616,500
--	-----------

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Com-

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mission Fund at the end of the fiscal year in excess of \$800,000 shall be transferred to the State General Fund.

(2) Federal Funds	188,000	
<hr/>		
Total Public Service Commission	5,804,500	5,804,500
<hr/>		

**84. PUBLICITY AND INFORMATION,
BUREAU OF:**

- (a) Tourism and Travel Promotion Program 2,643,632

The appropriation to the Bureau of Publicity and Information shall include a transfer to the State Personnel Department of \$4,335.

SOURCE OF FUNDS:

- (1) State General Fund-Transfer 480,000
- (2) Lodgings Tax (\$.01) 2,163,632

Receipts collected under the provisions of Section 40-26-1 et seq., Code of Alabama 1975, as amended.

Total Bureau of Publicity and Information	480,000	2,163,632	2,643,632
<hr/>			

**85. REAL ESTATE COMMISSION,
ALABAMA:**

- (a) Professional and Occupational Licensing and Regulation Program 748,403

The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of \$984.

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SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund	748,403	
As provided in Section 34-27-4, <u>Code of Alabama 1975</u> , as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated		
Total Alabama Real Estate Commission	748,403	748,403

86. REVENUE DEPARTMENT:

(a) State Revenue Administration Program		40,072,997
The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of \$78,875.		
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	250,000	
As provided in Section 40-7-70, <u>Code of Alabama 1975</u> , to maintain a program for the equalization of ad valorem tax assessments.		
(2) Transfer from the gross proceeds of Cigarette Tax Collections		1,222,566
As provided in Section 40-25-2 and Section 40-25-23, <u>Code of Alabama 1975</u> , as amended.		
(3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections		207,080
(4) Transfer from the gross proceeds of the Forest Severance Tax Collections		123,451
(5) Transfer from the gross proceeds of Gasoline Tax Collections		3,623,893

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(6) Transfer from the Income Tax Collections	12,305,306
(7) Transfer from the gross proceeds of Motor Fuel Tax Collections	756,637
(8) Transfer from the gross proceeds of Motor Vehicle License Collections	1,636,725
(9) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	501,770
(10) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	1,234,513
(11) Transfer from the gross proceeds of Sales Tax Collections	10,855,749
(12) Transfer from the gross proceeds of the Tobacco Tax Collections	31,858
(13) Transfer from the gross proceeds of Use Tax Collections	1,186,725
(14) Transfer from the gross proceeds of the Utility Tax Collections	2,636,282
As provided in Section 40-21-1, <u>Code of Alabama 1975</u> .	
(15) Local Funds	3,500,442

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropri-

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ated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Revenue Department . . .	250,000	39,822,997	40,072,997
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**87. REVENUE—BOARDS OF
EQUALIZATION:**

(a) State Revenue Administration Program			116,000
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SOURCE OF FUNDS:

(1) State General Fund	116,000		
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Equalization	116,000		116,000
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**88. REVENUE—MOTOR VEHICLE
LICENSE:**

(a) State Revenue Administration Program			2,365,083
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SOURCE OF FUNDS:

(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags	2,365,083		
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Total Revenue-Motor Vehicle License	2,365,083		2,365,083
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89. SECRETARY OF STATE:

(a) Administrative Support Services Program			749,952
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The appropriation to the Secretary of State shall include a transfer to the State Personnel Department of \$1,858.

SOURCE OF FUNDS:

(1) State General Fund	749,952		
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Total Secretary of State	749,952		749,952
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90. SECURITIES COMMISSION:

(a) Regulatory Services Program 832,000

The appropriation to the Securities Commission shall include a transfer to the State Personnel Department of \$1,384.

SOURCE OF FUNDS:

(1) State General Fund	457,000		
(2) Industrial Development Bond Notification Fund ..		110,000	
(3) Sales of Checks License Fund		8,000	
(4) Exemption Fund		257,000	
Total Securities Commission ..	457,000	375,000	832,000

91. SENIOR CITIZENS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program 25,000

SOURCE OF FUNDS:

(1) State General Fund	25,000		
Total Alabama Senior Citizens Hall of Fame	25,000		25,000

92. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program 50,361

The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of \$73.

SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund		50,361	
---	--	--------	--

As provided in Section 34-30-6, Code of Alabama 1975 (1983 Cum. Supp.).

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Total Alabama State Board of Social Work Examiners	50,361	50,361
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**93. SOIL AND WATER
CONSERVATION COMMITTEE,
STATE:**

(a) Water Resource Development Program		790,000
(b) Soil Classifiers Fund Program		2,000
(c) Administrative Services Pro- gram		260,000

The appropriation to the State
Soil and Water Conservation
Committee shall include a
transfer to the State Personnel
Department of \$328.

SOURCE OF FUNDS:

(1) State General Fund	1,050,000	
(2) Soil Classifiers Fund		2,000

Total State Soil and Water Conservation Committee	1,050,000	2,000	1,052,000
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**94. SOUTHERN GROWTH POLICIES
BOARD:**

(a) Special Services Program		27,830
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SOURCE OF FUNDS:

(1) State General Fund	27,830	
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Total Southern Growth Policies Board	27,830	27,830
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**95. SPACE SCIENCE EXHIBIT
COMMISSION, ALABAMA:**

(a) Tourism and Travel Promotion Program		310,000
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SOURCE OF FUNDS:

(1) State General Fund-Capi- tal Outlay	310,000	
--	---------	--

Total Alabama Space Science Exhibit Commission	310,000	310,000
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**96. SPEECH PATHOLOGY
AND AUDIOLOGY,**

ALABAMA BOARD OF
EXAMINERS FOR:

- | | |
|--|--------|
| (a) Professional and Occupational
Licensing and Regulation Pro-
gram | 18,731 |
|--|--------|

SOURCE OF FUNDS:

- | | |
|--|--------|
| (1) Alabama Board of Exam-
iners for Speech Pathology
and Audiology Fund | 18,731 |
|--|--------|

As Provided in Section 34-
28A-44, Code of Alabama
1975.

Total Alabama Board of Examiners for Speech Pathology and Audiology	18,731	18,731
---	--------	--------

97. SPORTS HALL OF FAME,
ALABAMA:

- | | |
|--|--------|
| (a) Historical Resources Manage-
ment Program | 70,000 |
|--|--------|

SOURCE OF FUNDS:

- | | |
|--|--------|
| (1) State General Fund | 70,000 |
| Total Alabama Sports
Hall of Fame | 70,000 |

98. SURFACE MINING
COMMISSION,
ALABAMA:

- | | |
|--|-----------|
| (a) Industrial Safety and Accident
Prevention Program | 4,984,793 |
|--|-----------|

The appropriation to the Ala-
bama Surface Mining Commis-
sion shall include a transfer to
the State Personnel Depart-
ment of \$3,971.

SOURCE OF FUNDS:

- | | |
|---|-----------|
| (1) Surface Mining Commis-
sion Fund | 4,984,793 |
|---|-----------|

As provided by Section 9-
16-103, Code of Alabama
1975 (1983 Cum. Supp.).
All fees and charges and
grants, gifts, fines, bond
forfeitures or other monies
received under the above

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act, in addition to the ap-
propriation herein made,
are appropriated to the
Surface Mining Commis-
sion

Total Alabama Surface Mining Commission	4,984,793	4,984,793
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**99. TANNEHILL FURNACE AND
FOUNDRY COMMISSION:**

(a) Historical Resources Manage- ment Program		618,000
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SOURCE OF FUNDS:

(1) State General Fund	218,000	
(2) State General Fund-Capi- tal Outlay for Furnace Re- pair	60,000	
(3) Federal, Local and Miscel- laneous Funds		340,000

Total Tannehill Furnace and Foundry Commission	278,000	340,000	618,000
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**100. TENNESSEE-TOMBIGBEE
WATERWAY DEVELOPMENT
AUTHORITY:**

(a) Water Resource Development Program		382,723
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SOURCE OF FUNDS:

(1) State General Fund	130,750	
As provided in Section 33- 8-2, <u>Code of Alabama</u> <u>1975.</u>		
(2) Federal, Local and Miscel- laneous Funds		251,973

Total Tennessee-Tombigbee Waterway Development Authority	130,750	251,973	382,723
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101. TREASURER, STATE:

(a) Fiscal Management Program ..		1,350,000
The appropriation to the State Treasurer shall include a trans-		

fer to the State Personnel Department of \$2,951.

SOURCE OF FUNDS:

(1) State General Fund 1,350,000

Total State Treasurer 1,350,000 1,350,000

102. UNIFORM STATE LAWS,
COMMISSION ON:

(a) Special Services Program, Estimated 5,000

SOURCE OF FUNDS:

(1) State General Fund 5,000

As Provided in Section 41-
9-374, Code of Alabama
1975.

Total Commission on Uniform
State Laws, Estimated 5,000 5,000

103. VETERANS AFFAIRS,
DEPARTMENT OF:

(a) Administration of Veterans Affairs Program 2,500,000

The appropriation to the Department of Veterans Affairs shall include a transfer to the State Personnel Department of \$3,753.

SOURCE OF FUNDS:

(1) State General Fund 2,500,000

Total Department of Veterans
Affairs 2,500,000 2,500,000

104. VETERINARY MEDICAL
EXAMINERS,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational
Licensing and Regulation Program 45,000

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SOURCE OF FUNDS:

- (1) State Board of Veterinary
Medical Examiners Fund . 45,000

As provided in Section 34-
29-23 and Section 34-29-
41, Code of Alabama 1975,
as amended.

Total Alabama State Board of Veterinary Medical Examiners	45,000	45,000
--	--------	--------

105. WOMEN'S COMMISSION,
ALABAMA:

- (a) Employment and Social Op-
portunities Program

SOURCE OF FUNDS:

- (1) State General Fund 7,650

Total Alabama Women's Commission	7,650	7,650
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106. WOMEN'S HALL OF FAME,
ALABAMA:

- (a) Historical Resources Manage-
ment Program

SOURCE OF FUNDS:

- (1) State General Fund 6,000

Total Alabama Women's Hall of Fame	6,000	6,000
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D. OTHER FUNCTIONS OF
GOVERNMENT FUNDED
FROM THE STATE GENERAL
FUND:

1. ADVERTISING LANDS FOR
TAX SALE:

- (a) State Revenue Administration
Program, Estimated 60,000

SOURCE OF FUNDS:

- (1) State General Fund 60,000

Total Advertising Lands for Tax Sale	60,000	60,000
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2. ARREST OF ABSCONDING
FELONS:

(a) Criminal Investigation Program, Estimated		60,000
SOURCE OF FUNDS:		
(1) State General Fund	60,000	
<hr/>		
Total Arrest of Absconding Felons	60,000	60,000
<hr/>		

3. AUTOMATIC APPEAL
EXPENSE:

(a) Legal Advice and Legal Service Program, Estimated		250
SOURCE OF FUNDS:		
(1) State General Fund	250	
As provided in Section 12-22-150 and Section 12-22-241, <u>Code of Alabama 1975.</u>		
<hr/>		
Total Automatic Appeal Expense	250	250
<hr/>		

4. CIVIL COURT COSTS IN
CONNECTION WITH AD
VALOREM TAX ASSESSMENTS
APPEALS:

(a) State Revenue Administration Program, Estimated		200
SOURCE OF FUNDS:		
(1) State General Fund	200	
<hr/>		
Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	200	200
<hr/>		

5. CONSUMER UTILITY RATE
HEARING:

(a) Executive Direction Program		250,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	250,000	
As provided in Section 37-		

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1-18 Code of Alabama
1975 (1983 Cum Supp.).

Total Consumer Utility Rate		
Hearing	250,000	250,000

**6. COURT-ASSESSED COST NOT
OTHERWISE PROVIDED FOR:**

(a) Cost Assessed by State and Federal Courts Only Program, Estimated		1,000,000
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It is the intent of the Legisla-
ture that this appropriation be
expended only for costs as-
sessed by state and federal
courts.

SOURCE OF FUNDS:

(1) State General Fund	1,000,000	
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Total Court-Assessed Cost Not Otherwise Provided for	1,000,000	1,000,000
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**7. COURT COSTS-ACT NO. 558,
1957:**

(a) Court Operations Program, Es- timated		500
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SOURCE OF FUNDS:

(1) State General Fund	500	
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Pursuant to Act No. 558,
1957, page 777.

Total Court Costs-Act No. 558, 1957	500	500
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**8. DISTRIBUTION OF PUBLIC
DOCUMENTS:**

(a) Administrative Support Service Program, Estimated		40,000
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SOURCE OF FUNDS:

(1) State General Fund	40,000	
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Total Distribution of Public Documents	40,000	40,000
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9. ELECTION EXPENSES:

(a) Special Services Program, Estimated		2,000,000
SOURCE OF FUNDS:		
(1) State General Fund	2,000,000	
<hr/>		
Total Election Expenses	2,000,000	2,000,000
<hr/>		

10. EMERGENCY FUND,
DEPARTMENTAL:

(a) Special Services Program		
SOURCE OF FUNDS:		
(1) State General Fund	1,000,000	
(This is the appropriation contemplated in Section 41-4-94, <u>Code of Alabama 1975</u> , and shall be the only amount appropriated and the total amount expended under the provisions of said section.)		
<hr/>		
Total Departmental Emergency Fund	1,000,000	1,000,000
<hr/>		

11. FEEDING OF PRISONERS:

(a) Institutional Services-Corrections Program, Estimated		3,750,000
SOURCE OF FUNDS:		
(1) State General Fund	3,750,000	
For expenses of feeding prisoners in county jails		
<hr/>		
Total Feeding of Prisoners	3,750,000	3,750,000
<hr/>		

12. DEPARTMENT OF FINANCE-
BUDGET OFFICE-EMPLOYEES'
SUGGESTION AWARD
PROGRAM:

(a) Fiscal Management Program		1,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000	
<hr/>		
Total Department of Finance-		

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Budget Office-Employees' Suggestion Award Program . . .	1,000	1,000

13. DEPARTMENT OF FINANCE-
CAPITOL MOVING EXPENSES,
ESTIMATED:

To be utilized to move all occu- pants in the State Capitol Building		1,000,000
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SOURCE OF FUNDS:

(1) State General Fund	1,000,000	

Total Department of Finance-
Capitol Moving Expenses,

Estimated	1,000,000	1,000,000

14. DEPARTMENT OF FINANCE-
FEMA,:

Payments of the State's share
of Administration costs and
matching grants furnished by
the Federal Emergency Man-
agement Agency

1,000,000

SOURCE OF FUNDS:

(1) State General Fund	1,000,000	

Total Department of Finance-
FEMA,

	1,000,000	1,000,000

15. DEPARTMENT OF FINANCE-
TELEPHONE REVOLVING
FUND:

400,000

16. FOREST FIRE FUND,
EMERGENCY:

(a) Forest Resource Protection
Program

180,000

SOURCE OF FUNDS:

(1) State General Fund- Transfer	180,000	

As provided by Section 9-
3-10.1, Code of Alabama
1975.

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Total Emergency Forest Fire Fund	180,000	180,000
<hr/>		
17. GOVERNORS' CONFERENCE, NATIONAL:		
(a) Executive Direction Program		83,100
<hr/>		
SOURCE OF FUNDS:		
(1) State General Fund	83,100	
<hr/>		
Total National Governors' Conference	83,100	83,100
<hr/>		
18. GOVERNORS' COUNCILLOR:		
(a) Executive Direction Program		20,400
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SOURCE OF FUNDS:		
(1) State General Fund	20,400	
<hr/>		
As provided in Section 36-13-13, <u>Code of Alabama 1975</u> (1983 Cum. Supp.).		
<hr/>		
Total Governor's Councillor	20,400	20,400
<hr/>		
19. GOVERNOR'S PROCLAMATION EXPENSES:		
(a) Executive Direction Program, Estimated		100,000
<hr/>		
SOURCE OF FUNDS:		
(1) State General Fund	100,000	
<hr/>		
Total Governor's Proclamation Expenses	100,000	100,000
<hr/>		
20. GOVERNOR'S WIDOWS RETIREMENT:		
(a) Executive Direction Program		14,400
<hr/>		
SOURCE OF FUNDS:		
(1) State General Fund	14,400	
<hr/>		
Total Governor's Widows Retirement	14,400	14,400
<hr/>		

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21. INTERPRETER'S ACCOUNT:

- (a) Court Support Services Program, Estimated

SOURCE OF FUNDS:

- (1) State General Fund 2,000

As provided in Sections
12-21-131 through 134,
Code of Alabama 1975.

Total Interpreter's Account ...	2,000	2,000
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22. LAW ENFORCEMENT FUND:

- (a) Criminal Investigation Program

100

SOURCE OF FUNDS:

- (1) State General Fund-
Transfer 100

Total Law Enforcement Fund .	100	100
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**23. LAW ENFORCEMENT LEGAL
DEFENSE:**

- (a) Legal Advice and Legal Services Program

3,000

SOURCE OF FUNDS:

- (1) State General Fund 3,000

To carry out provisions of
Section 36-21-1, Code of
Alabama 1975.

Total Law Enforcement Legal Defense	3,000	3,000
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24. MAILING TAX NOTICES:

- (a) State Revenue Administration Program, Estimated

100

SOURCE OF FUNDS:

- (1) State General Fund 100

Total Mailing Tax Notices	100	
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Total Mailing Tax Notices	100	100
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25. MENTAL HEALTH TRUST		
FUND, ALABAMA SPECIAL:		36,500,000
SOURCE OF FUNDS:		
(1) State General Fund- Transfer	36,500,000	
<hr/>		
Total Alabama Special Mental Health Trust Fund	36,500,000	36,500,000
<hr/>		
26. POLICEMAN'S SURVIVOR		
TUITION ACT:		
(a) Support of Other Educational Activities Program, Estimated . . .		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
<hr/>		
Total Policeman's Survivor Tuition Act	5,000	5,000
<hr/>		
27. PRESIDENTIAL ELECTORAL		
EXPENSE:		
(a) Administration of Public Docu- ments Program, Estimated . . .		1,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000	
<hr/>		
Total Presidential Electoral Expense	1,000	1,000
<hr/>		
28. PRINTING OF CODE		
SUPPLEMENT-LEGISLATIVE		
REFERENCE SERVICE:		
(a) Administration of Public Docu- ments Program, Estimated . . .		350,000
SOURCE OF FUNDS:		
(1) State General Fund	350,000	
<hr/>		
Total Printing of Code Supplement-Legislative Reference Service	350,000	350,000
<hr/>		
29. PRINTING CODES AND		
SUPPLEMENTS-SECRETARY OF		
STATE:		

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(a) Administration of Public Documents Program, Estimated . . .		150,000
SOURCE OF FUNDS:		
(1) State General Fund	150,000	
<hr/>		
Total Printing Codes and Supplements-Secretary of State	150,000	150,000
<hr/>		
30. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:		
(a) Administrative Support Services Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
<hr/>		
Total Printing of Legislative Acts and Journals	500,000	500,000
<hr/>		
31. PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES:		
(a) State Revenue Administration Program, Estimated		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
<hr/>		
Total Printing of State and County Privilege Licenses	25,000	25,500
<hr/>		
32. PUBLIC DEFENDER:		
(a) Court Operations Program, Estimated		55,000
SOURCE OF FUNDS:		
(1) State General Fund	55,000	
<hr/>		
For salary of Public Defender for the 21st Judicial Circuit, as provided by Section 15-12-43, <u>Code of Alabama 1975</u> .		
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Total Public Defender	55,000	55,000
<hr/>		
33. RECREATION CAPITAL DEVELOPMENT FUND:		138,000

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SOURCE OF FUNDS:

(1) State General Fund

Transfer	138,000	
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Total Recreation Capital

Development Fund	138,000	138,000
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34. REGISTRATION OF VOTERS:

(a) Special Services Program, Estimated

1,500,000

SOURCE OF FUNDS:

(1) State General Fund	1,500,000	
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Total Registration of Voters ..	1,500,000	1,500,000
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35. REMOVAL OF PRISONERS:

(a) Administrative Services and Logistical Support Program, Estimated

300,000

SOURCE OF FUNDS:

(1) State General Fund	300,000	
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Total Removal of Prisoners ...	300,000	300,000
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36. SOCIAL SECURITY-COUNTY JUDICIAL:

(a) Fringe Benefit Program, Estimated

300,000

(1) State General Fund	300,000	
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Total Social Security-County

Judicial	300,000	300,000
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37. STATE GENERAL FUND, ESTIMATED:

66,683,172

SOURCE OF FUNDS:

(1) Heritage Trust Income Fund Transfer. All income other than income realized on sale of Trust Fund assets and not otherwise appropriated herein.

Estimated	66,683,172	
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Total State General Fund, Estimated	66,683,172	66,683,172
<hr/>		

**38. STATE TREASURER-PREVIOUS
YEAR'S UNPAID WARRANTS:**

(a) Special Services Program, Estimated		250,000
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SOURCE OF FUNDS:

(1) State General Fund	250,000	
<hr/>		

Total State Treasurer-Previous Year's Unpaid Warrants	250,000	250,000
<hr/>		

**E. DEBT SERVICE FUNDED FROM
THE STATE GENERAL FUND:**

1. General Obligation Capital Improvement Bonds, Series A and B, Estimated		1,331,625
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SOURCE OF FUNDS:

(1) State General Fund- Transfer	1,331,625	
<hr/>		

Total General Obligation Capital Improvement Bonds, Series A and B, Estimated	1,331,625	1,331,625
<hr/>		

2. General Obligation Coosa Waterway Bonds, Series A and B, Estimated		1,010,298
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SOURCE OF FUNDS:

(1) State General Fund- Transfer	1,010,298	
<hr/>		

Total General Obligation Coosa Waterway Bonds, Series A and B, Estimated	1,010,298	1,010,298
<hr/>		

3. General Obligation Docks Facilities Bonds, Series A-C, Estimated		4,175,900
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SOURCE OF FUNDS:

(1) State General Fund- Transfer	4,175,900	
<hr/>		

Total General Obligation Docks Facilities Bonds, Series A-C, Estimated	4,175,900	4,175,900
<hr/>		

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4.	Inland Waterway Improvement Bonds, Series A, Estimated	179,428	
	SOURCE OF FUNDS:		
	(1) State General Fund-Transfer	179,428	
	Total Inland Waterway Improvement Bonds, Series A, Estimated	179,428	179,428
5.	Tennessee-Tombigbee Waterway Bonds, Series A-D, Estimated	4,178,473	
	SOURCE OF FUNDS:		
	(1) State General Fund-Transfer Estimated pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session	4,178,473	
	Total Tennessee-Tombigbee Waterway Bonds, Series A-D, Estimated	4,178,473	4,178,473
6.	Corrections Institution Bonds, Estimated	1,052,250	
	SOURCE OF FUNDS:		
	(1) State General Fund-Transfer, Estimated	1,052,250	
	Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.		
	Total Corrections Institution Bonds, Estimated	1,052,250	1,052,250
7.	General Obligation Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated	55,937,676	
	SOURCE OF FUNDS:		
	(1) State General Fund-Transfer, Estimated	55,937,676	
	Total General Obligation		

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Bonds, 1982, Series A and B, General Obligation Refunding Bonds, 1983, Series A and B, Estimated	55,937,676	55,937,676
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Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 through 96, Code of Alabama 1975, as amended, and the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975.

Section 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

Section 6. Under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, any interest earned by the State thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor.

Section 7. All encumbered balances of all prior-year appropriations shall revert to the State Treasury at the end of the 1984-85 Fiscal Year and to the credit of the General Fund or the trust fund from which the appro-

priation or appropriations were made. Appropriations for the purchase of land or the erection of buildings or new construction (including highway maintenance) shall continue in force until the completion of the work for which such appropriations are made.

Section 8. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 9. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 10. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 11. That this Act shall become effective October 1, 1984.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—83

Rep. Sasser offered the following amendment to the bill, H. 229 as amended:

Amend House Bill 229 as substituted in Section 2 C 29 on page 27, line 20 by striking the figure 866,421 and inserting in lieu thereof the figure 826,421.

Further amend House Bill 229 on page 27, line 26 by striking the figure 71,921 and inserting in lieu thereof the figure 91,921.

Further amend House Bill 229 on page 30, line 26 by striking the figure 72,245 and inserting in lieu thereof the figure 92,245.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Hooper, Horn, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—76

AMENDMENT OFFERED

Rep. Hooper offered the following amendment to the bill, H. 229 as amended:

Amend H. B. 229 as Substituted on page 18, line 10 by striking the figure "518,885" and inserting in lieu thereof the figure "508,885"

Further amend on line 17 and 20 by striking the figure "300,000" and inserting in lieu thereof the figure "290,000"

Further amend on line 20 by striking the figure "518,885" and inserting in lieu thereof "508,885".

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Hooper to the bill, H. 229 as amended, was tabled.

Yeas 55; Nays 19.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Flowers, Ford, Goodwin, Hall, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, Marietta, Mathis, Melton, Moore, Newman, Nicholson, Parker, Perdue, Pratt, Rains, Rice, Richardson, Smith, Trammell, Turner, Venable, Warren, White (F) and White (L).

—55

Nays:

Reps.: Bachus, Beers, Carter, Cosby, Gaston, Hammett, Harper, Kvalheim, McMillan, Martin, Mikell, Mitchell, Payne, Poole, Seibels, Spratt, Starr, White (G) and Zoghby.

—19

AMENDMENT OFFERED

Reps. Dutton and Reed offered the following amendment to the bill, H. 229 as amended:

Amend House Floor Substitute to H. B. 229 on page 47, lines 6 and 12, by deleting the figure "145,733" and inserting in lieu thereof the figure "133,733".

Further amend House Floor Substitute to H. B. 229 on page 47, lines 8 and 12, by deleting the figure "125,733" and inserting in lieu thereof the figure "113,733".

MOTION TO TABLE LOST

The motion offered by Rep. Penry to table the amendment offered by Reps. Dutton and Reed to the bill, H. 229 as amended, was lost.

Yeas 21; Nays 57.

Yeas:

Reps.: Adams, Blake, Clark (J), Coburn, Cosby, Flowers, Gaston, Harper, Harvey, Hettinger, Kvalheim, Laird, McMillan, Marietta, Penry, Richardson, Sasser, Trammell, Venable, White (F) and Zoghby.

—21

Nays:

Reps.: Bachus, Beers, Black, Blakeney, Bowling, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Coleman, Davis, Dutton, Escott, Goodwin, Gray, Grayson, Grouby, Hammett, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McKee, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Perdue, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner and Warren.

—57

The question was then on the adoption of the amendment offered by Rep. Dutton and Reed to the bill, H. 229, as amended.

SUBSTITUTE AMENDMENT OFFERED

Reps. Penry and McMillan offered the following substitute amendment to the amendment offered by Rep. Dutton and Reed to the bill, H. 229 as amended:

Amend H. 229 as Substituted, page 77, line 14 by striking 70,000 and inserting in lieu thereof 58,000 and on line 18 by striking 70,000 and inserting in lieu thereof 58,000 and on line 20, by striking 70,000 and inserting in lieu thereof 58,000

further amend the bill, on page 77, immediately following line 20, by adding a new item and by renumbering remaining items accordingly. New item to read as follows:

98. JESSIE OWENS MEMORIAL

PARK	12,000
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SOURCE OF FUNDS:

(1) State General Fund	12,000
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Total Jessie Owens Memorial

Park	12,000
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SUBSTITUTE AMENDMENT TO SUBSTITUTE AMENDMENT
OFFERED

Rep. Harper offered the following substitute amendment to the substitute amendment offered by Reps. Penry and McMillan:

Amend House Bill 229 as substituted on page 89 lines 31, 34 and 36 by striking the figure "138,000" and inserting in lieu thereof the figure "126,000".

SUBSTITUTE AMENDMENT ADOPTED

And the substitute amendment was adopted.

Yeas 82; Nays 2.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Davis, Dutton, Escott, Ford, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Melton, Mitchell, Moore, Newman, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—82

Nays: Reps. Carothers and Mathis.

—2

AMENDMENT OFFERED

Rep. Buskey (John) offered the following amendment to the bill, H. 229 as amended:

Amend the Substitute to House Bill 229 on page 26, line 7, by deleting the number "205,500" and inserting in lieu thereof the number 186,428; and further amend on page 26, line 12, by deleting the number "2,371,000" and inserting in lieu thereof the number 2,389,572. Further amend on page 26, line 21, by deleting the number "2,321,000" and inserting in lieu thereof the number 2,389,572 and further amend on page 26, line 27, by deleting the number "205,000" and inserting in lieu thereof the number 186,428.

AMENDMENT TABLED

On motion of Rep. Mitchell, the amendment offered by Rep. Buskey (John) to the bill, H. 229 as amended, was tabled.

Yeas 42; Nays 24.

Yeas:

Reps.: Albright, Bachus, Blake, Bowling, Brakefield, Brooks, Burke, Butler, Carothers, Coburn, Crow, Davis, Faulk, Hettinger, Holley, Horn, Johnson (Roy), Junkins, Lauderdale, Lindsey, McKee, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Payne, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Venable, White (F), White (G) and White (L).

—42

Nays:

Reps.: Bryant, Buskey (James), Buskey (John), Clark (J), Clark (W), Cosby, Escott, Gaston, Grayson, Hammett, Harper, Holmes, Hooper, Kennedy, Kvalheim, McMillan, McNair, Mikell, Onderdonk, Penry, Perdue, Reed, Spratt and Turner.

—24

AMENDMENT OFFERED

Rep. Rogers offered the following amendment to the bill, H. 229 as amended:

Amend House Bill 229 on page 77, lines 16, 18 and 20 by deleting the figure 70,000 and inserting in lieu thereof the figure 65,000

Further amend on page 31, after line 32, by inserting the following new line: (k) Community Action Agency in Jefferson County 5,000

Further amend on page 32, after line 25, by inserting the following new line: (8) State General Fund-Transfer Community Action Agency in Jefferson County 5,000

Further amend on page 32, line 31 by deleting the figures 4,450,000 and 148,754,820 and inserting the figures of 4,455,000 and 148,759,820 respectfully.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Rogers to the bill, H. 229 as amended, was tabled.

Yeas 53; Nays 12.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Blake, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Buskey (John), Butler, Carothers, Clark (D), Clark (J), Cosby, Crow, Faulk, Fuller, Gaston, Goodwin, Hammett, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, McKee, McMillan, Mathis, Mitchell, Moore, Nicholson, Parker, Payne, Penry, Rains, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, White (F) and White (L).

—53

Nays:

Reps.: Bryant, Clark (W), Davis, Escott, Holmes, Horn, McDowell, McNair, Perdue, Poole, Rogers and Spratt.

—12

AMENDMENT OFFERED

Rep. Hooper offered the following amendment #2 to the bill, H. 229 as amended:

Amend House Bill 229 as Substituted, on page 89, lines 31, 34 and 36 by striking the figure 126,000 and inserting in lieu thereof the figure 116,000.

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AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #2 offered by Rep. Hooper to the bill, H. 229 as amended, was tabled.

Yeas 37; Nays 33.

Yeas:

Mr. Speaker, Albright, Biddle, Blake, Bowling, Brooks, Bryant, Bugg, Buskey (James), Campbell, Carothers, Clark (J), Clark (W), Coburn, Crow, Fuller, Grayson, Hall, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, Mathis, Newman, Nicholson, Parker, Perdue, Smith, Spratt, Tanner, Thomas, Trammell, Venable, White (F) and White (L).

—37

Nays:

Reps.: Beers, Burke, Butler, Coleman, Escott, Flowers, Ford, Gaston, Gray, Harper, Harvey, Johnson (R.G.), Kvalheim, Laird, Lindsey, McKee, McMillan, Marietta, Melton, Mikell, Mitchell, Onderdonk, Payne, Poole, Rains, Richardson, Seibels, Starkey, Starr, Turner, Turnham, White (G) and Zoghby.

—33

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Sasser offered the motion to reconsider the vote by which the amendment offered to him to the bill, H. 229 as amended, was adopted, and the motion to reconsider was adopted.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Carothers, Carter, Clark (D), Coburn, Coleman, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Reed, Richardson, Seibels, Smith, Starkey, Tanner, Trammell, Turner, Venable, Warren, White (G) and White (L).

—69

Nay: Rep. Rains.

—1

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment previously offered by him to the bill, H. 229 as amended, was tabled.

Yeas 55; Nays 0.

Yeas:

Reps.: Beers, Black, Boles, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (John), Carter, Clark (D), Coburn, Coleman, Crow, Ford, Fuller, Gaston, Goodwin, Gray, Hall, Hammett, Harvey, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Kennedy, Laird, Lauderdale, Lindsey, McMillan, McNair, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker,

Perdue, Poole, Rains, Reed, Richardson, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (G) and White (L).

—55

AMENDMENT OFFERED

Rep. Sasser offered the following amendment to the bill, H. 229 as amended:

Amend House Bill 229 as substituted in Section 2 C 29 on page 27, line 20 by striking the figure 866,421 and inserting in lieu thereof the figure 826,421.

Further amend House Bill 229 on page 30, line 14 by striking the figure 86,346 and inserting in lieu thereof the figure 106,346.

Further amend House Bill 229 on page 30, line 17 by striking the figure 81,396 and inserting in lieu thereof the figure 101,396.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Rains, Reed, Richardson, Sasser, Seibels, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and White (L).

—71

AMENDMENT OFFERED

Rep. Harper offered the following amendment #2 to the bill, H. 229 as amended:

Amend H. B. 229, as substituted in Section 2(22) page 19, line 14 by striking the figure ~~800,150~~ and inserting in lieu thereof the figure 784,150

Further amend on page 19, line 31 by striking the figure-~~2,200,135~~ and inserting in lieu thereof the figure 2,175,135

Further amend on page 19, line 28 by striking the figure-~~1,477,500~~ and inserting in lieu thereof the figure 1,527,500

Further amend on page 19 by adding the following after line 28 of the above appropriation, the amount of \$50,000 will be expended for the oyster relocation program

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 43; Nays 1.

Yeas:

Mr. Speaker, Albright, Black, Blake, Box, Brakefield, Brooks, Bugg, Buskey (James), Butler, Campbell, Carter, Clark (W), Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Harper, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, McMillan, Marietta, Mathis, Moore, Newman, Penry, Poole, Rains, Reed, Richardson, Smith, Starr, Tanner, Turner, Venable, White (L) and Zoghby.

—43

Nay: Rep. Thomas.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, H. 229 as amended:

Amend H. B. 229 on page 94, Section 6, line(s) 21, 22 by striking the following:

for General Government to be spent at the discretion of the Governor.
and inserting in lieu thereof, the following:

For General Government, one-half ($\frac{1}{2}$) of which is to be spent at the discretion of governor, one-fourth ($\frac{1}{4}$) of which is to be spent at the discretion of the members of the House of Representatives, each member receiving an equal amount, and one-fourth ($\frac{1}{4}$) of which is to be spent at the discretion of the members of the Senate, each member receiving an equal amount. Funds appropriated for the Governor's Contingency Fund and the Governor's Departmental Emergency Fund (to the extent they are not spent on state agencies) shall also be divided according to the previous formula.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Brooks to the bill, H. 229 as amended, was tabled.

Yeas 63; Nays 8.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Faulk, Ford, Fuller, Goodwin, Grouby, Hall, Harvey, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Reed, Richardson, Sasser, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Warren, White (F), White (L) and Zoghby.

—63

Nays:

Reps.: Beers, Brooks, Hammett, Hooper, McDowell, McNair, Seibels and White (G).

—8

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolutions, your signature thereto is requested:

S. 11. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1984.

Also:

S. J. R. 157. DESIGNATING THE WEEK OF APRIL 23-27, 1984, AS "ALABAMA STUDENT LEADERSHIP WEEK."

Also:

S. J. R. 158. COMMENDING MR. FRANK J. SEGO, MONTGOMERY CIVIC LEADER AND MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL EXCHANGE CLUB, ON HIS CANDIDACY FOR PRESIDENT-ELECT OF AMERICA'S EXCHANGE CLUBS.

Also:

S. J. R. 165. HONORING POSTHUMOUSLY ALABAMIANS RILEY W. SHAMBURGER, WADE GRAY, THOMAS W. RAY AND LEO BAKER.

Also:

S. J. R. 166. CONGRATULATING DR. JAMES E. MARTIN, PRESIDENT AUBURN UNIVERSITY.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 229 RESUMED

AMENDMENT OFFERED

Rep. Horn offered the following amendment to the bill, H. 229 as amended:

Amend House Bill 229 as substituted on page 4, line 17 by striking the figure "1,716,800" and inserting in lieu thereof the figure "1,691,800".

Further amend on line 19 by striking the figure "2,575,200" and inserting in lieu thereof the figure "2,550,200".

Further amend on lines 26 and 27 by striking the figure "4,342,000" and inserting in lieu thereof the figure "4,292,000".

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Horn to the bill, H. 229 as amended, was tabled.

Yeas 49; Nays 27.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Boles, Bowling, Brakefield, Britnell, Brooks, Bugg, Burke, Carothers, Carter, Clark (D), Clark (J), Coburn, Cosby, Crow, Flowers, Ford, Goodwin, Gray, Hammett, Harper, Harvey, Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McKee, Martin, Mathis, Mitchell, Newman, Nicholson, Parker, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starr, Trammell, Turnham, Venable, White (F) and White (L).

—49

Nays:

Reps.: Beers, Black, Bryant, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Grayson, Hall, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Kennedy, McDowell, McMillan, McNair, Melton, Perdue, Poole, Preuitt, Reed, Rogers, Spratt and Turner.

—27

And the bill, H. 229, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 104; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—104

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 226. To amend Section 29-4-44 Code of Alabama 1975, which provides for the employment of secretaries employed for the Presiding Officer of each house of the Legislature so as to further provide for additional secretaries.

H. 407. To authorize the Clerk of the House and the Secretary of the Senate to employ certain legislative personnel.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hall, the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced:

By Rep. Hall:

H. J. R. 277. COMMENDING COACH RALPH C. CHAMPION AND NAMING THE NEW GYM AT CENTRAL JUNIOR HIGH SCHOOL, MADISON COUNTY, ALABAMA, "THE RALPH C. CHAMPION GYM".

WHEREAS, Coach Ralph C. Champion has coached for thirty years at Central Junior High School in Madison County, Alabama; and

WHEREAS, during the thirty years as Coach at Central Junior High, he has had twenty-nine winning seasons; and

WHEREAS, Coach Champion has devoted his entire career to Central Junior High School where he is admired and loved by the faculty, students and parents and friends of the school; and

WHEREAS, Coach Champion is a graduate of Joe Bradley High School in Huntsville and a graduate of Athens State College in Athens, Alabama; and

WHEREAS, he is married to Lucy Crowson and they are the parents of two daughters; Judy Schwarz and Carmen, and the grandparents of three granddaughters; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Coach Ralph C. Champion is hereby commended for his illustrious coaching career at Central Junior High School.

BE IT FURTHER RESOLVED, That the new Gym located at Central Junior High School, Madison County, Alabama, is hereby named "The Ralph C. Champion Gym".

BE IT FURTHER RESOLVED, That Coach Ralph C. Champion receive a copy of this resolution as a token of our praise and esteem, and

provided further that a copy be presented to Central High School for appropriate display.

On motion of Rep. Hall, the rules were suspended and the resolution, H. J. R. 277, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to show that had Rep. Grimsley been present, he would have voted "Yea" on the bill, H. 229.

SPECIAL ORDER RESUMED

And the bill:

H. 230. (With Substitute): To make appropriations for financial assistance to non-state agencies for the fiscal year ending September 30, 1985.

Was taken up.

SUBSTITUTE OFFERED

Rep. Coburn offered the following substitute to the bill, H. 230, and the pending substitute reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for financial assistance to non-state agencies for the fiscal year ending September 30, 1985.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1984-85 fiscal year to the non-state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds to be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.

Section 2. There is hereby appropriated for financial assistance to non-state agencies for the fiscal year ending September 30, 1985, to be paid out of any moneys hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975.

A. FINANCIAL ASSISTANCE TO NON-
STATE AGENCIES:a. ANNISTON SUBREGIONAL
LIBRARY FOR THE BLIND AND
HANDICAPPED:

(a) Public Library Services Program		4,500
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SOURCE OF FUNDS:

(1) State General Fund	4,500	
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Total Anniston Subregional Library for the Blind and		
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Handicapped	4,500	4,500
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2. APPALACHIAN REGIONAL
COMMISSION:

(a) Planning Program		189,970
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SOURCE OF FUNDS:

(1) State General Fund	189,970	
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Total Appalachian Regional Commission		
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	189,970	189,970
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3. ARMED FORCES DAY IN
ALABAMA:

(a) Historical Resources Manage- ment Program		836
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SOURCE OF FUNDS:

(1) State General Fund	836	
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Total Armed Forces Day in Alabama		
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	836	836
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4. ARMY AVIATION MUSEUM,
FORT RUCKER:

(a) Historical Resources Manage- ment Program		75,000
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SOURCE OF FUNDS:

(1) State General Fund	75,000	
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Total Army Aviation Museum, Fort Rucker, AL		
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	75,000	75,000
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**5. ARTS HALL OF FAME,
ALABAMA:**

(a) Fine Arts Program		4,500
SOURCE OF FUNDS:		
(1) State General Fund	4,500	
<hr/>		
Total Alabama Arts Hall of Fame	4,500	4,500
<hr/>		

**6. AZALEA TRAIL FESTIVAL,
MOBILE:**

(a) Tourism and Travel Promotion Program		1,556
SOURCE OF FUNDS:		
(1) State General Fund	1,556	
<hr/>		
Total Mobile Azalea Trail Festival	1,556	1,556
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**7. BAYOU LA BATRE SEAFOOD
FESTIVAL:**

(a) Special Services Program		1,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000	
<hr/>		
Total Bayou La Batre Seafood Festival	1,000	1,000
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8. BEACON HOUSE-JASPER:

(a) Social Services Program		50,000
SOURCE OF FUNDS:		
(1) State General Fund	50,000	
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Total Beacon House-Jasper ...	50,000	50,000
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**9. BIG NANCE CREEK WATER
MANAGEMENT DISTRICT:**

(a) Water Resource Development Program		1,400
SOURCE OF FUNDS:		
(1) State General Fund	1,400	
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Total Big Nance Creek Water Management District		1,400	1,400
<hr/>			
10. BIRMINGHAM CHAMBER MUSIC SOCIETY:			
(a) Fine Arts Program			1,556
SOURCE OF FUNDS:			
(1) State General Fund		1,556	
<hr/>			
Total Birmingham Chamber Music Society		1,556	1,556
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11. BIRMINGHAM FESTIVAL OF ARTS:			
(a) Fine Arts Program			15,230
SOURCE OF FUNDS:			
(1) State General Fund		15,230	
<hr/>			
Total Birmingham Festival of Arts		15,230	15,230
<hr/>			
12. BIRMINGHAM INTERNATIONAL EDUCATIONAL FILM FESTIVAL:			
(a) Fine Arts Program			7,500
SOURCE OF FUNDS:			
(1) State General Fund		7,500	
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Total Birmingham International Educational Film Festival		7,500	7,500
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13. BLOUNT COUNTY-ONEONTA AGRI-BUSINESS ASSOCIATION-FARMERS' MARKET:			
(a) Special Services Program			25,000
SOURCE OF FUNDS:			
(1) State General Fund		25,000	
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Total Blount County-Oneonta Agri-Business Association- Farmers' Market		25,000	25,000
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14. BLUE AND GRAY ASSOCIATION:

(a) Tourism and Travel Promotion Program		5,602
SOURCE OF FUNDS:		
(1) State General Fund	5,602	
<hr/>		
Total Blue and Gray Association	5,602	5,602
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**15. CHILTON COUNTY
HISTORICAL SOCIETY:**

(a) Historical Resources Management Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
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Total Chilton County Historical Society	5,000	5,000
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**16. CHILTON COUNTY PEACH
FESTIVAL:**

(a) Tourism and Travel Promotion Program		11,250
SOURCE OF FUNDS:		
(1) State General Fund	11,250	
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Total Chilton County Peach Festival	11,250	11,250
<hr/>		

**17. CHOCCOLOCCO CREEK
WATERSHED ASSOCIATION:**

(a) Water Resource Development Program		2,183
SOURCE OF FUNDS:		
(1) State General Fund	2,183	
<hr/>		
Total Choccolocco Creek Watershed Association	2,183	2,183
<hr/>		

18. CITRONELLE OIL BOWL:

(a) Special Services Program		500
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SOURCE OF FUNDS:

(1) State General Fund	500	
<hr/>		
Total Citronelle Oil Bowl	500	500
<hr/>		

19. CIVIL AIR PATROL:

(a) Readiness and Recovery Program		40,000
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SOURCE OF FUNDS:

(1) State General Fund	40,000	
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Total Civil Air Patrol	40,000	40,000
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20. COAL MINING MUSEUM, INC.:

(a) Tourism and Travel Promotion Program		25,000
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SOURCE OF FUNDS:

(1) State General Fund	25,000	
<hr/>		
Total Coal Mining Museum, Inc.	25,000	25,000
<hr/>		

**21. COOSA-ALABAMA RIVER
IMPROVEMENT ASSOCIATION:**

(a) Water Resource Development Program		7,784
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SOURCE OF FUNDS:

(1) State General Fund	7,784	
<hr/>		
Total Coosa-Alabama River Improvement Association	7,784	7,784
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**22. COOSA RIVER ACTION
COUNCIL-GADSDEN:**

(a) Water Resource Development Program		6,221
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SOURCE OF FUNDS:

(1) State General Fund	6,221	
<hr/>		
Total Coosa River Action Council-Gadsden	6,221	6,221
<hr/>		

**23. CULTURE IN BLACK AND
WHITE:**

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(a) Historical Resources Management Program		1,500
SOURCE OF FUNDS:		
(1) State General Fund	1,500	
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Total Culture in Black and White	1,500	1,500
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24. DEEP SEA FISHING RODEO, ALABAMA:		
(a) Tourism and Travel Promotion Program		935
SOURCE OF FUNDS:		
(1) State General Fund	935	
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Total Alabama Deep Sea Fishing Rodeo	935	935
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25. DORSE, MARY E., RECREATIONAL AND EDUCATIONAL CENTER:		
(a) Special Services Program		3,638
SOURCE OF FUNDS:		
(1) State General Fund	3,638	
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Total Mary E. Dorse Recreational and Educational Center	3,638	3,638
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26. DOTHAN LANDMARKS FOUNDATION, INC.:		
(a) Historical Resources Management Program		5,625
SOURCE OF FUNDS:		
(1) State General Fund	5,625	
<hr/>		
Total Dothan Landmarks Foundation, Inc.	5,625	5,625
<hr/>		
27. DYNNE CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		1,400

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SOURCE OF FUNDS:

(1) State General Fund	1,400	
<hr/>		
Total Dynne Creek Watershed Conservancy District	1,400	1,400
<hr/>		

28. ELK RIVER DEVELOPMENT**AGENCY:**

(a) Water Resource Development Program		4,656
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SOURCE OF FUNDS:

(1) State General Fund	4,656	
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Total Elk River Development Agency	4,656	4,656
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29. ELYTON RECOVERY CENTER:

(a) Community Services Program		75,000
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SOURCE OF FUNDS:

(1) State General Fund	75,000	
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Totally Elyton Recovery Center	75,000	75,000
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**30. ENERGY BOARD, SOUTHERN
STATES:**

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program.		20,536
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SOURCE OF FUNDS:

(1) State General Fund	20,536	
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Total Southern States Energy Board	20,536	20,536
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31. FOREST FESTIVAL, ALABAMA:

(a) Executive Administration Pro- gram		4,610
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SOURCE OF FUNDS:

(1) State General Fund	4,610	
<hr/>		
Total Alabama Forest Festival	4,610	4,610
<hr/>		

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**32. GENEVA COUNTY TOMATO
FESTIVAL:**

(a) Tourism and Travel Promotion Program		3,110
SOURCE OF FUNDS:		
(1) State General Fund	3,110	
<hr/>		
Total Geneva County Tomato Festival	3,110	3,110
<hr/>		

**33. GEORGE LINDSEY CELEBRITY
BENEFIT, INC.:**

(a) Tourism and Travel Promotion Program		7,500
SOURCE OF FUNDS:		
(1) State General Fund	7,500	
<hr/>		
Total George Lindsey Celebrity Benefit, Inc.	7,500	7,500
<hr/>		

**34. GULF SHORES TOURIST
ASSOCIATION:**

(a) Tourism and Travel Promotion Program		7,500
SOURCE OF FUNDS:		
(1) State General Fund	7,500	
<hr/>		
Total Gulf Shores Tourist Association	7,500	7,500
<hr/>		

35. GUNTERSVILLE BOAT RACES:

(a) Tourism and Travel Promotion Program		11,068
SOURCE OF FUNDS:		
(1) State General Fund	11,068	
<hr/>		
Total Guntersville Boat Races.	11,068	11,068
<hr/>		

**36. HANK WILLIAMS MEMORIAL
ASSOCIATION-GEORGIANA:**

(a) Historical Resources Manage- ment Program		2,000
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SOURCE OF FUNDS:

(1) State General Fund	2,000	
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Total Hank Williams
Memorial Association-
Georgiana

	2,000	2,000
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**37. HANK WILLIAMS MEMORIAL
ASSOCIATION-GREENVILLE:**

(a) Historical Resources Manage- ment Program		2,000
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SOURCE OF FUNDS:

(1) State General Fund	2,000	
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Total Hank Williams
Memorial Association-
Greenville

	2,000	2,000
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**38. HELEN KELLER PROPERTY
BOARD:**

(a) Historical Resources Manage- ment Program		30,000
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SOURCE OF FUNDS:

(1) State General Fund	30,000	
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Total Helen Keller Property
Board

	30,000	30,000
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**39. HIGH TECHNOLOGY
ECONOMIC DEVELOPMENT
FOUNDATION, INC.:**

(a) Industrial Development Pro- gram		25,000
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SOURCE OF FUNDS:

(1) State General Fund	25,000	
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Total High Technology
Economic Development
Foundation, Inc.

	25,000	25,000
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**40. INTERSTATE MINING
COMMISSION:**

(a) Planning Program		8,838
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SOURCE OF FUNDS:

(1) State General Fund	8,838	
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Total Interstate Mining Commission	8,838	8,838
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**41. JUNIOR MISS PAGEANT, INC.,
ALABAMA'S:**

(a) Tourism and Travel Promotion Program		10,000
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SOURCE OF FUNDS:

(1) State General Fund	10,000	
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Total Alabama's Junior Miss Pageant, Inc.	10,000	10,000
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**42. JUNIOR MISS PAGEANT, INC.,
AMERICA'S:**

(a) Tourism and Travel Promotion Program		40,000
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SOURCE OF FUNDS:

(1) State General Fund	40,000	
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Total America's Junior Miss Pageant, Inc.	40,000	40,000
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**43. KETCHEPEDRAKEE CREEK
WATERSHED
CONSERVANCY DISTRICT:**

(a) Water Resource Development Program		1,400
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SOURCE OF FUNDS:

(1) State General Fund	1,400	
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Total Ketchepedrakee Creek Watershed Conservancy District	1,400	1,400
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**44. LAKE EUFAULA SUMMER
SPECTACULAR:**

(a) Tourism and Travel Promotion Program		5,602
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SOURCE OF FUNDS:

(1) State General Fund	5,602	
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Total Lake Eufaula Summer Spectacular	5,602	5,602

45. MOBILE AREA MARDI GRAS ASSOCIATION:

(a) Tourism and Travel Promotion Program		2,800
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SOURCE OF FUNDS:

(1) State General Fund	2,800	

Total Mobile Area Mardi Gras Association	2,800	2,800

46. MOBILE CARNIVAL ASSOCIATION:

(a) Tourism and Travel Promotion Program		2,800
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SOURCE OF FUNDS:

(1) State General Fund	2,800	

Total Mobile Carnival Association	2,800	2,800

47. MOBILE EXPLOREUM-MEDICAL:

(a) Educational Museum Services Program		21,000
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SOURCE OF FUNDS:

(1) State General Fund	21,000	

Total Mobile Exploreum-Medical	21,000	21,000

48. MOUNTAIN LAKES ASSOCIATION, ALABAMA:

(a) Tourism and Travel Promotion Program		14,306
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SOURCE OF FUNDS:

(1) State General Fund	14,306	

Total Mountain Lakes Association, Alabama	14,306	14,306

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**49. PARAMOUNT THEATRE FOR
PERFORMING ARTS:**

(a) Fine Arts Program	2,500	
SOURCE OF FUNDS:		
(1) State General Fund	2,500	
<hr/>		
Total Paramount Theatre for Performing Arts	2,500	2,500
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**50. PEA RIVER HISTORICAL AND
GENEALOGICAL SOCIETY:**

(a) Historical Resources Manage- ment Program		3,110
SOURCE OF FUNDS:		
(1) State General Fund	3,110	
<hr/>		
Total Pea River Historical and Genealogical Society	3,110	3,110
<hr/>		

**51. PEA RIVER WATERSHED
CONSERVANCY DISTRICT
(Conservation Department) To be
used for capital maintenance and
improvements at Coffee County
Lake:**

(a) Water Resource Development Program		11,400
SOURCE OF FUNDS:		
(1) State General Fund	11,400	
<hr/>		
Total Pea River Watershed Conservancy District (Conservation Department) ...	11,400	11,400
<hr/>		

**52. PEANUT FESTIVAL
ASSOCIATION, INC.,
NATIONAL:**

(a) Tourism and Travel Promotion Program		8,250
SOURCE OF FUNDS:		
(1) State General Fund	8,250	
<hr/>		
Total National Peanut Festival Association, Inc.	8,250	8,250
<hr/>		

53. PIKE COUNTY PIONEER
MUSEUM ASSOCIATION:

(a) Historical Resources Management Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
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Total Pike County Pioneer Museum Association	5,000	5,000
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54. RETIRED SENIOR VOLUNTEER
PROGRAM-DEPARTMENT OF
FINANCE:

(a) Special Services Program		303,150
SOURCE OF FUNDS:		
(1) State General Fund	303,150	
<hr/>		
Total Retired Senior Volunteer Program-Department of Finance.	303,150	303,150
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The above appropriation to the Retired Senior Volunteer Program shall be distributed in the following manner: \$34,664 to the Foster Grandparent and Senior Companions Programs and \$268,486 to the Retired Senior Volunteer Programs.

55. SAFE PLACE, INC.:

(a) Social Services Program		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
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Total Safe Place, Inc.	15,000	15,000
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56. SENIOR BOWL-MOBILE:

(a) Tourism and Travel Promotion Program		40,000
SOURCE OF FUNDS:		
(1) State General Fund	40,000	
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Total Senior Bowl-Mobile	40,000	40,000
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**57. SHELBY COUNTY HISTORICAL
ASSOCIATION:**

(a) Historical Resources Manage- ment Program		8,750
SOURCE OF FUNDS:		
(1) State General Fund	8,750	
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Total Shelby County Historical Association	8,750	8,750
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**58. SICKLE CELL FOUNDATION
PROGRAM:**

(a) East Alabama Sickle Cell		62,500
(b) Jefferson County Sickle Cell ..		100,000
(c) Southwest Alabama Sickle Cell		70,000
SOURCE OF FUNDS:		
(1) State General Fund	232,500	
<hr/>		
Total Sickle Cell Education Program	232,500	232,500
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**59. SIMPSON-MAY CEREBRAL
PALSY CENTER:**

(a) Financial Assistance Program.		35,000
SOURCE OF FUNDS:		
(1) State General Fund	35,000	
<hr/>		
Total Simpson-May Cerebral Palsy Center	35,000	35,000
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**60. SOUTHERN CENTER FOR
INTERNATIONAL STUDIES:**

(a) Special Service Program		18,750
SOURCE OF FUNDS:		
(1) State General Fund	18,750	
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Total Southern Center for International Studies	18,750	18,750
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**61. SOUTHERN CHAMPIONSHIP
CHARITY HORSESHOW:**

(a) Tourism and Travel Promotion Program		3,110
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SOURCE OF FUNDS:

(1) State General Fund	3,110	
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Total Southern Championship Charity Horseshow	3,110	3,110
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**62. SPIRIT OF AMERICA FESTIVAL,
INC.**

(a) Tourism and Travel Promotion Program		2,801
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SOURCE OF FUNDS:

(1) State General Fund	2,801	
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Total Spirit of America Festival, Inc.	2,801	2,801
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**63. ST. CLAIR COUNTY
HISTORICAL SOCIETY:**

(a) Historical Resources Manage- ment Program		5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000	
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Total St. Clair County Historical Society	5,000	5,000
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**64. STEER SHOW ASSOCIATION,
ALABAMA STATE:**

(a) Agricultural Development Ser- vices Program		15,000
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SOURCE OF FUNDS:

(1) State General Fund	15,000	
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Total Alabama State Steer Show Association	15,000	15,000
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**65. TALLACOOSA HIGHLAND
LAKES ASSOCIATION:**

(a) Tourism and Travel Promotion Program		5,602
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SOURCE OF FUNDS:

(1) State General Fund	5,602	
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Total Tallacoosa Highland Lakes Association		5,602	5,602
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66. TALLASSEEHATCHIE CREEK WATERSHED CONSERVANCY DISTRICT:			
(a) Water Resource Development Program			1,237
SOURCE OF FUNDS:			
(1) State General Fund		1,237	
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Total Tallasseehatchie Creek Watershed Conservancy District		1,237	1,237
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67. TENNESSEE RIVER VALLEY ASSOCIATION:			
(a) Water Resource Development Program			8,708
SOURCE OF FUNDS:			
(1) State General Fund		8,708	
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Total Tennessee River Valley Association		8,708	8,708
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68. TENNESSEE VALLEY PUBLICITY AND IMPROVEMENT ASSOCIATION:			
(a) Tourism and Travel Promotion Program			24,881
SOURCE OF FUNDS:			
(a) State General Fund		24,881	
<hr/>			
Total Tennessee Valley Publicity and Improvement Association		24,881	24,881
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69. TERRAPIN CREEK WATERSHED CONSERVANCY DISTRICT:			
(a) Water Resource Development Program			1,400
SOURCE OF FUNDS:			
(1) State General Fund		1,400	
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Total Terrapin Creek Watershed Conservancy District	1,400	1,400
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70. TRAVEL COUNCIL, ALABAMA:

(a) Tourism and Travel Promotion Program		40,000
SOURCE OF FUNDS:		
(1) State General Fund	40,000	
Total Alabama Travel Council	40,000	40,000

71. TRI-RIVERS WATERWAY
DEVELOPMENT
ASSOCIATION:

(a) Water Resource Development Program		16,794
SOURCE OF FUNDS:		
(1) State General Fund	16,794	
Total Tri-Rivers Waterway Development Association	16,794	16,794

72. VESTAVIA HILLS DOGWOOD
FESTIVAL AND TRAIL:

(a) Tourism and Travel Promotion Program		1,500
SOURCE OF FUNDS:		
(1) State General Fund	1,500	
Total Vestavia Hills Dogwood Festival and Trail	1,500	1,500

73. VETERANS DAY COMMITTEE,
NATIONAL:

(a) Historical Resources Manage- ment Program		4,358
SOURCE OF FUNDS:		
(1) State General Fund	4,358	
Total National Veterans Day Committee	4,358	4,358

74. VETERANS DAY IN ALABAMA:

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(a) Historical Resources Management Program	1,244
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SOURCE OF FUNDS:

(1) State General Fund	1,244
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Total Veterans Day in Alabama	1,244	1,244
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75. W. C. HANDY PROPERTY BOARD:

(a) Historical Resources Management Program	15,000
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SOURCE OF FUNDS:

(1) State General Fund	15,000
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Total W. C. Handy Property Board	15,000	15,000
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76. Y.M.C.A. IN MONTGOMERY, CLEVELAND AVENUE BRANCH:

(a) Special Services Program	4,005
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SOURCE OF FUNDS:

(1) State General Fund	4,005
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Total Y.M.C.A. in Montgomery, Cleveland Avenue Branch	4,005	4,005
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77. Y.M.C.A. YOUTH LEGISLATURE:

(a) Special Services Program	11,250
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SOURCE OF FUNDS:

(1) State General Fund	11,250
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Total Y.M.C.A. Youth Legislature	11,250	11,250
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Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 4 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975, and those appropriations herein made, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80

through 96, Code of Alabama 1975, as amended, and the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama, 1975.

Section 4. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

Section 5. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 6. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 7. That each non-state agency funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 8. That this Act shall become effective October 1, 1984.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 86; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—86

Nay: Rep. McKee.

—1

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Rep. Dutton offered the following amendment to the bill, H. 230 as amended:

Amend House Floor Substitute to House Bill 230 on page 22, line 17, by adding the following:

"78. Jesse Owens Memorial Park:

(a) Special Services Program	12,000
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SOURCE OF FUNDS:

(1) State General Fund	12,000
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Total Jesse Owens Memorial Park	12,000	12,000"
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AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 230 as amended:

Amend the Substitute for House Bill 230 as follows: Delete Section 1 and Section 2 in their entirety and substitute the following in lieu thereof:

Section 1. There is hereby appropriated from the General Fund of the State \$1,639,712 which shall be used for the various non-state agencies located in all sixty-seven (67) counties.

Section 2. The funds shall be divided among the sixty-seven (67) counties based on population as determined by the 1980 Census. The pro-rata share for each county shall be paid by the state comptroller to non-state agencies based upon a letter signed by a majority of the members of each county's legislative delegation and filed in the comptroller's office by September 30, 1984. The purpose of these funds shall be to promote tourism, the arts, and specialized services for the people of Alabama and their visitors.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Venable to the bill, H. 230 as amended, was tabled.

Yeas 40; Nays 39.

Yeas:

Mr. Speaker, Bowling, Britnell, Brooks, Browder, Bryant, Bugg, Carothers, Carter, Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Faulk, Holley, Johnson (Roy), Junkins, Kennedy, Kvalheim, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Rains, Rice, Richardson, Sasser, Smith, Starr, Tanner, Trammell, Turner, White (F) and Zoghby.

—40

Nays:

Reps.: Adams, Albright, Bachus, Beers, Biddle, Boles, Box, Butler, Cosby, Davis, Escott, Flowers, Ford, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Laird, Lauderdale, Lindsey, McKee, McMillan, Mikell, Payne, Penry, Perdue, Preuitt, Rogers, Seibels, Spratt, Starkey, Venable, White (G) and White (L).

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And the bill, H. 230, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 3.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—95

Nays: Reps.: Brooks, Hall and McKee.

—3

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 226. To amend Section 29-4-44 Code of Alabama 1975, which provides for the employment of secretaries employed for the Presiding Officer of each house of the Legislature so as to further provide for additional secretaries.

Also:

H. 407. To authorize the Clerk of the House and the Secretary of the Senate to employ certain legislative personnel.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 178. (With Amendment): To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1985.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means said committee amendment being as follows:

Amend House Bill 178 on page 1, lines 8 and 26, by deleting the figure "8%" and inserting in lieu thereof the figure "10%".

And the amendment was adopted.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Venable, Warren, White (F), White (G), White (L) and Zoghby.

AMENDMENT OFFERED

Rep. Mitchell offered the following amendment to the bill, H. 178 as amended:

Amend House Bill 178 on page 1, lines 8 and 26, by deleting the figure "10%" and insert in lieu thereof the figure "12%".

On page 2, lines 18 through 21, delete Section 4 and insert the following:

Section 4. Such amounts as may be necessary to pay state employees the increased salaries provided herein are hereby appropriated for the fiscal year beginning October 1, 1984, from such funds as the salaries of the several state employees are paid, or, if there is not sufficient money in such funds, then from amounts otherwise appropriated in the general fund appropriation bill to the several offices, departments, bureaus, boards, commissions or agencies or as provided in Section 1. It is the intent of the legislature that the cost of living increase over 10% be paid from funds otherwise appropriated in the general fund appropriation bill to the several offices, departments, boards, commissions or agencies unless funds are available in such funds from which the salaries of the several state employees are paid.

MOTION TO TEMPORARILY POSTPONE

Rep. Turner offered the motion to temporarily postpone further consideration of the bill, H. 178 as amended, and the pending amendment.

MOTION TO TABLE LOST

The motion offered by Rep. Mitchell to table the motion to postpone offered by Rep. Turner, was lost.

Yeas 39; Nays 51.

Yeas:

Reps.: Blake, Boles, Bowling, Brakefield, Britnell, Bryant, Bugg, Buskey (John), Carter, Coleman, Davis, Ford, Gaston, Gray, Grouby, Harvey, Holley, Hooper, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McDowell, Marietta, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Pratt, Rogers, Smith, Thomas, Warren and White (F).

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Nays:

Mr. Speaker, Adams, Bachus, Beers, Blakeney, Box, Brooks, Browder, Burke, Buskey (James), Butler, Carothers, Clark (D), Clark (J), Coburn, Cosby, Crow, Faulk, Flowers, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Holmes, Horn, Johnson (R.G.), Kennedy, McKee, McMillan, McNair, Mathis, Mikell, Onderdonk, Payne, Penry, Preuitt, Rains, Rice, Sasser, Seibels, Starkey, Starr, Trammell, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

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H. 178 TEMPORARILY POSTPONED

The question was then on the motion offered by Rep. Turner to temporarily postpone further consideration of the bill, as amended, and the pending amendment, and the motion was adopted.

And the bill:

H. 591. To repeal Act No. 80-90 of the 1980 Regular Session of the Alabama Legislature; to prohibit any further transfers from the state insurance fund pursuant to Act No. 80-90; and to provide for the transfer back of funds heretofore transferred from the state insurance fund pursuant to Act No. 80-90, by the State Finance Director with approval of the Governor.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—95

Nay: Rep. Starkey.

—1

And the bill:

S. 223. To repeal Sections 4-2-30, 4-2-31, 4-2-32, 4-2-35, 4-2-35.1 and 4-2-36 of the Code of Alabama 1975, relating to the creation, composition, appointment and function of the Alabama department of aeronautics and the Alabama aeronautics commission, and the powers, duties, qualifications and functions of the director of aeronautics and the assistant director of aeronautics; so as to abolish the Alabama department of aeronautics and the Alabama aeronautics commission and to transfer all duties, powers, responsibilities, authorities and functions thereof to the state highway department; and to establish an aeronautics division of the state highway department; and to create the position of supervisor of the aeronautics division of the state highway department; and to create the aeronautics board to serve in an advisory capacity to the aeronautics division of the state highway department, and to supervise and authorize all real estate transactions, whether conveyance, lease, or otherwise and to supervise all funds, monies and investments of the aeronautics division of the state highway department, and provide for the appointment, duties and compensation of the board members; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Sasser to indefinitely postpone the bill, S. 223, was lost.

Yeas 26; Nays 60.

Yeas:

Reps.: Adams, Bachus, Blake, Box, Brooks, Bugg, Carothers, Carter, Clark (D), Fuller, Hammett, Harper, Johnson (R.G.), Laird, McMillan, Mathis, Moore, Penry, Rice, Sasser, Seibels, Starr, Tanner, Turnham, Venable, and White (G).

—26

Nays:

Mr. Speaker, Albright, Beers, Black, Boles, Brakefield, Britnell, Browder, Bryant, Buskey (James), Buskey (John), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Ford, Gaston, Grayson, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McNair, Marietta, Melton, Mikell, Mitchell, Newman, Nicholson, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Rogers, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Warren, White (F) and White (L).

—60

And the bill, S. 223, was read a third time at length and passed.

Yeas 59; Nays 33.

Yeas:

Mr. Speaker, Albright, Beers, Black, Boles, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Flowers, Ford, Gaston, Goodwin, Grayson, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McNair, Marietta, Melton, Mitchell, Newman, Nicholson, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Rogers, Smith, Spratt, Thomas, Trammell, Turner, Warren, White (F) and White (L).

—59

Nays:

Reps.: Adams, Bachus, Blake, Box, Bugg, Burke, Carothers, Carter, Clark (D), Coleman, Cosby, Faulk, Grouby, Hammett, Harper, Hooper, Johnson (R.G.), Laird, McMillan, Mathis, Mikell, Moore, Penry, Rains, Rice, Sasser, Seibels, Starkey, Starr, Tanner, Turnham, Venable and White (G).

—33

S. 343 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 343, from the Standing Committee on Health to the Standing Committee on Agriculture and Forestry.

H. 178 AGAIN TAKEN UP

And the bill, H. 178 as amended, and the pending amendment was again taken up.

The question was then on the adoption of the amendment offered by Rep. Mitchell to the bill, H. 178 as amended.

SUBSTITUTE AMENDMENT OFFERED

Rep. Clark (J) offered the following substitute to the bill, H. 178 as amended, and the pending amendment offered by Rep. Mitchell:

A BILL
TO BE ENTITLED
AN ACT

To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1985.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning on October 1, 1984, all state employees who are listed in the classified and unclassified service of the state as defined in Section 36-26-10, Code of Alabama 1975, and all other state employees and all hourly employees of the state, except those set out in Section 2 herein, and all legislative personnel, officers and employees, including but not limited to Legislative Reference Service personnel, whether subject to the state merit system or not, and all circuit clerks and registers, except as provided in Section 2 herein, and all employees of the county health departments who are employed subject to the state merit system and whose compensation is paid out of a budget provided and agreed upon by the state, county, or other contributing agency under the direction of the state board of health shall receive a salary increase of \$2,000 annually. Any cost-of-living increase granted under the provisions of this Act shall in no way apply to any local supplement provided to any employee of this state. All such increases shall be in addition to the salary received by such employees. It is the intention of the legislature that the Governor is hereby authorized to transfer such amounts to, from, and between such departments, boards, bureaus, commissions, agencies, offices, and institutions under his direct control for the purposes of paying the salary increase for state employees and officials.

Section 2. The provisions of this Act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor shall this Act apply to state judges or district attorneys.

Section 3. The director of the state personnel department shall revise the schedule or rates set forth in the pay plan for state employees and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. With respect to legislative employees, the Secretary of the Senate and the Clerk of the house of representatives; the director of the Legislative Reform Services and the Director of the Legislature personnel office for their employer shall revise the schedule of rates set forth in the pay plan for such legislative employees to reflect the increase provided herein, and shall certify the same to the state comptroller who shall issue warrants in accordance therewith.

Section 4. Such amounts as may be necessary to pay state employees the increased salaries provided herein are hereby appropriated for the fiscal year beginning October 1, 1984, from such funds as the salaries of the several state employees are paid, or, if there is not sufficient money in such funds, then as provided in Section 1.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective on September 17, 1984, with the first payment on October 12, 1984, for all employees covered by this Act who are paid bi-weekly, and effective on October 1, 1984, for all employees covered by this Act whose salaries are set annually and who are paid semi-monthly, and upon approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Mitchell to table the substitute offered by Rep. Clark (J), was lost.

Yeas 34; Nays 60.

Yeas:

Reps.: Biddle, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Coleman, Dutton, Ford, Gaston, Holley, Hooper, Johnson (Roy), Junkins, Kvalheim, Laird, McMillan, Marietta, Melton, Mitchell, Moore, Newman, Onderdonk, Parker, Poole, Starkey, Tanner, Turner, Turnham, Warren and White (F).

—34

Nays:

Mr. Speaker, Adams, Albright, Bachus, Beers, Blake, Boles, Britnell, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Escott, Faulk, Flowers, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Holmes, Horn, Johnson (R.G.), Kennedy, Lauderdale, Lindsey, McKee, McNair, Mathis, Mikell, Nicholson, Payne, Penry, Perdue, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Smith, Spratt, Starr, Thomas, Trammell, Venable, White (G), White (L) and Zoghby.

—60

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Clark (J) to the bill, H. 178 as amended, and the pending amendment, and the substitute was adopted.

Yeas 76; Nays 20.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holmes, Horn, Johnson (R.G.), Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Mathis, Melton, Mikell, Newman, Nicholson, Payne, Penry, Perdue, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Smith, Spratt, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—76

Nays:

Reps.: Bachus, Biddle, Bowling, Coleman, Dutton, Gaston, Holley, Hooper, Johnson (Roy), Junkins, Kvalheim, Marietta, Mitchell, Moore, Onderdonk, Parker, Poole, Pratt, Starkey and White (F).

—20

AMENDMENT OFFERED

Rep. Hettinger offered the following amendment to the bill, H. 178 as amended:

Amend H. B. 178 as substituted on page 1, line 32 by inserting the following new sentence.

“It is the intent of the Legislature that the salary increase authorized by this bill for the Department of Mental Health employees shall come from the State General Fund.”

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Hettinger to the bill, H. 178 as amended, was tabled.

Yeas 44; Nays 17.

Yeas:

Mr. Speaker, Black, Boles, Box, Brakefield, Brooks, Bryant, Burke, Buskey (James), Carothers, Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Faulk, Ford, Gaston, Goodwin, Grayson, Harper, Harvey, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McKee, Mathis, Melton, Newman, Nicholson, Parker, Penry, Poole, Rains, Sasser, Starkey, Starr, Trammell, Turner and Zoghby.

—44

Nays:

Reps.: Browder, Carter, Cosby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (R.G.), McMillan, Mikell, Payne, Rice, Spratt, Turnham, Warren and White (L).

—17

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turner:

H. R. 278. CONGRATULATING MR. JOSEPH S. SOUTHALL OF MOBILE, ALABAMA, ON THE OCCASION OF HIS 95TH BIRTHDAY.

H. 178 RESUMED

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 178 as amended:

Amend House Bill 178 as substituted on page 1 on lines 35 and 36 by striking the following:

“, nor shall this Act apply to state judges or district attorneys”.

Further amend House Bill 178 as substituted on page 2 line 8 after the word “therewith” by inserting the following:

“With respect to court officials and employees within the Unified Judicial System who serve the trial and appellate courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the schedule of rates set forth in the pay plan for such court officials and employees to reflect the increase provided herein, and shall certify the same to the state comptroller who shall issue warrants in accordance therewith”.

MOTION TO TABLE LOST

The motion offered by Rep. Clark (J) to table the amendment offered by Rep. Holley to the bill, H. 178 as amended, was lost.

Yeas 31; Nays 50.

Yeas:

Reps.: Adams, Beers, Boles, Brakefield, Bugg, Carter, Clark (J), Davis, Faulk, Flowers, Ford, Horn, Junkins, Lindsey, McKee, McNair, Mikell, Mitchell, Newman, Parker, Payne, Penry, Preuitt, Rice, Rogers, Sasser, Starr, Trammell, Venable, White (G) and White (L).

—31

Nays:

Mr. Speaker, Black, Blake, Blakeney, Bowling, Box, Britnell, Browder, Bryant, Burke, Buskey (James), Butler, Carothers, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Fuller, Gaston, Goodwin, Hall, Hammett, Harper, Harvey, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, McMillan, Marietta, Mathis, Melton, Moore, Nicholson, Onderdonk, Poole, Pratt, Reed, Smith, Spratt, Starkey, Tanner, Turner, Warren and White (F).

—50

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Brooks abstains from voting on the bill, H. 178, due to possible conflict of interest.

The question was then on the adoption of the amendment offered by Rep. Holley to the bill, H. 178 as amended.

MOTION TO POSTPONE TABLED

On motion of Rep. Clark (J), the motion offered by Rep. Johnson (Roy) to postpone further consideration of the bill, H. 178 as amended, and the pending amendment, to the twenty-first legislative day, was tabled.

Yeas 71; Nays 18.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Carter, Clark (J), Clark (W), Coburn, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Grayson, Harper, Hettinger, Hooper, Horn, Johnson (R.G.), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Mathis, Melton, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Warren, White (F), White (G), White (L) and Zoghby.

—71

Nays:

Reps.: Burke, Clark (D), Crow, Ford, Hammett, Harvey, Holley, Holmes, Johnson (Roy), Marietta, Mitchell, Moore, Parker, Poole, Pratt, Smith, Tanner and Venable.

—18

The question was again on the adoption of the amendment offered by Rep. Holley to the bill, H. 178 as amended.

MOTION TO POSTPONE TABLED

On motion of Rep. Clark, the motion offered by Rep. Mitchell, to temporarily postpone further consideration of the bill, H. 178 as amended, and the pending amendment, was tabled.

Yeas 66; Nays 29.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Blake, Boles, Box, Brakefield, Britnell, Brooks, Bugg, Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Hall, Harper, Hettinger, Horn, Johnson (R.G.), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McNair, Mathis, Melton, Newman, Nicholson, Payne, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—66

Nays:

Reps.: Biddle, Black, Blakeney, Bowling, Browder, Bryant, Burke, Buskey (James), Buskey (John), Crow, Ford, Grayson, Grouby, Hammett, Holley, Hooper, Johnson (Roy), Kennedy, McMillan, Marietta, Mitchell, Moore, Onderdonk, Parker, Poole, Smith, Tanner, Warren and White (F).

—29

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Holley to the bill, H. 178 as amended, and the amendment was adopted.

Yeas 77; Nays 15.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Melton, Mikell, Moore, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—77

Nays:

Reps.: Boles, Bugg, Davis, Escott, Flowers, Grayson, Horn, Junkins, McKee, McNair, Newman, Payne, Perdue, Rogers and Trammell.

—15

And the bill, H. 178, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—94

Nay: Rep. Hettinger.

—1

And the bill:

H. 47. Relating to the Alabama Uniform Certificate of Title and Antitheft Act; to amend Section 32-8-41, Code of Alabama 1975, so as to eliminate the requirement of the state department of revenue to issue a non-transferable duplicate certificate of title for mailing to the owner to serve as a permit for the operation of a motor vehicle; and to amend Section 32-8-38, Code of Alabama 1975, so as to provide that the owner's permit copy the application for certificate of title be retained by the owner as a nonnegotiable document as evidence of ownership and as a permit for the operation of a motor vehicle in order to eliminate the use of a form that duplicates the effects of another form.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—91

And the bill:

H. 215. (With Substitute): To amend Section 2 of Act No. 83-889, Fourth Special Session of 1983, so as to provide that all oil or gas production by wells other than oil or gas produced by offshore production after January 1, 1985, shall be taxed at the rate of six percent of the gross value of said oil or gas at the point of production for a period of five years from the date production first begins.

Was taken up.

SUBSTITUTE OFFERED

Rep. Onderdonk offered the following substitute to the bill, H. 215, and to the pending substitute reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

To amend Section 1 of Act No. 83-889, Fourth Special Session of 1983, so as to define "Discovery well", "Development wells", "Onshore well", "Replacement well", "Commenced", "Completion" and "Pool", and to amend Section 2 of Act No. 83-889, Fourth Special Session of 1983, so as to provide that all oil and gas produced from onshore discovery wells, all oil and gas produced from onshore development wells on which drilling commenced within four years of the completion date of the discovery well and producing from a depth of 6,000 feet or greater, and all oil and gas produced from onshore development wells on which drilling commenced within two years of the completion date of the discovery well and producing from a depth less than 6,000 feet shall be taxed at a rate of six (6) percent of the gross value of said oil and gas at the point of production for a period of five (5) years from the date production begins from said discovery and development wells, provided that said discovery and development wells were permitted by the State Oil and Gas Board of Alabama after July 1, 1984; and providing further that the six (6) percent tax rate applicable to a discovery well or development well shall be applicable to any replacement well drilled to replace the discovery well or the development well during the six-percent, five-year, tax-rate period for only the remainder of the said tax-rate period.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 83-889 of the Fourth Special Session of 1983 is hereby amended to read as follows:

"Section 1. Section 40-20-1, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-20-1.

"For the purpose of this article, the following terms shall have the respective meanings ascribed by this section:

"(1) DEPARTMENT. The state department of revenue.

"(2) ANNUAL. The calendar year or the taxpayer's fiscal year, when permission is obtained from the department to sue a fiscal year as a tax period in lieu of a calendar year.

"(3) VALUE. The sale price or market value at the mouth of the well. If the oil or gas is exchanged for something other than cash, if there is no sale at the time of severance or if the relation between the buyer and the seller is such that the consideration paid, if any, is not indicative of the true value or market price, then the department shall determine the value of the oil or gas subject to the tax hereinafter provided for, considering the sale price for cash or oil or gas of like quality.

"(4) OIL. Crude petroleum oil and other hydrocarbons regardless of gravity which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the well.

"(5) GAS. All natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in subdivision (4) above.

"(6) SEVERED. The extraction or withdrawing from the soil or water or from below the surface of the soil or water of any oil or gas, whether such extraction or withdrawal shall be by natural flow, mechanically enforced flow, pumping or any other means employed to get the oil or gas from the soil or water or from below the surface of the soil or water.

"(7) PERSON. Any natural person, firm, copartnership, joint venture, association, corporation, estate, trust and any other group or combination acting as a unit, and the plural as well as the singular number.

"(8) PRODUCER. Any person engaging or continuing in the business of oil or gas production, which, for the purpose of this article, includes the owning, controlling, managing, or leasing of any oil or gas property or oil or gas well, and producing in any manner any oil or gas by taking it from the soil or waters, or from beneath the soil or waters, of the state of Alabama, and further includes receiving money or other valuable consideration as royalty or rental for oil or gas produced or because of oil or gas produced, whether produced by him or by some other person on his behalf, either by lease, contract or otherwise, and whether the royalty consists of a portion of the oil or gas produced being run to his account or a payment in money or other valuable consideration.

"(9) SUBMERGED LANDS. All lands within the territorial jurisdiction of the State of Alabama that are continuously or intermittently covered by marine or marine influenced waters and are below the mean high tide mark on all islands and land adjacent to the Mississippi Sound, Mobile Bay, Bon Secour Bay, Wolf Bay, Arnica Bay, Bay La Launch and Perdido Bay; and excludes all areas upstream of the confluence of the Mississippi Sound, Mobile Bay, Wolf Bay and Perdido Bay with their natural tributaries.

"(10) OFFSHORE DRILLING OR PRODUCTION FACILITIES. Barges, platforms or other drilling or production facilities located on submerged lands to drill or to produce oil or gas.

"(11) OFFSHORE PRODUCTION. Gas or oil produced from offshore drilling or production facilities from wells located on submerged lands within the territorial jurisdiction of the state of Alabama.

"(12) DISCOVERY WELL. Any well capable of producing oil and/or gas from a single pool in which a well has not been previously completed as a well capable of producing.

"(13) DEVELOPMENT WELLS. All oil and/or gas producing wells other than discovery wells and replacement wells.

"(14) ONSHORE WELL. Any oil or gas well that is drilled in an area other than submerged lands as defined herein.

"(15) REPLACEMENT WELL. A well drilled on a drilling and/or production unit to replace another well which is drilled in the same unit and completed in the same pool.

"(16) COMMENCED. A well shall be deemed to have commenced when the well is spudded.

"(17) COMPLETION. A well shall be deemed to be completed for purposes of this Act when drilling and logging operations have ceased.

"(18) POOL. As used herein, pool shall mean a single underground reservoir containing a common accumulation of oil or gas or both. Each zone of a general structure which is completely separated from any other zone in the structure is a single pool as that term is used herein.

Section 2. Section 2 of Act No. 83-889 of the Fourth Special Session of 1983 is hereby amended to read as follows:

"Section 2. Section 40-20-2, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-20-2.

"(a) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the state of Alabama in the business of producing or serving oil or gas, as defined herein, from the soil or the waters, or from beneath the soil or the waters, of the state for sale, transport, storage, profit or for use. The amount of such tax shall be measured at the rate of eight percent of the gross value of said oil or gas at the point of production except as provided herein. All wells producing 25 barrels or less of oil per day or producing 200,000 cubic feet or less of gas per day shall be taxed at the rate of four percent of the gross value of said oil or gas at the point of production; all oil and gas produced from onshore discovery wells, all oil and gas produced from onshore development wells on which drilling commenced within four years of the completion date of the discovery well and producing from a depth of 6,000 feet or greater, and all oil and gas produced from onshore development wells on which drilling commenced within two years of the completion date of the discovery well and producing from a depth less than 6,000 feet shall be taxed at a rate of six (6) percent of the gross value of said oil and gas at the point of production for a period of five (5) years from the date production begins from said discovery and development wells, provided that said discovery and development wells were permitted by the State Oil and Gas Board of Alabama after July 1, 1984, provided however,

that the six percent tax rate applicable to a discovery well or development well shall be applicable to any replacement well drilled to replace the discovery well or the development well during the six-percent, five-year tax rate period for only the remainder of the said tax rate period; and all oil or gas produced by offshore production, as defined herein, at depths greater than 18,000 feet below mean sea level, shall be taxed at the rate of six percent of the gross value of said oil or gas production at the point of production.

“(b) The tax is hereby levied upon the basis of the entire population in this state, including what is known as the royalty interest, on which production the amount of such tax shall be alien a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined or unmanufactured condition.

“(c) A county, city, town or municipality of the state of Alabama shall not establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing or transportation on any oil or gas produced in the state of Alabama and on which severance taxes have been paid to the state of Alabama, or upon the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas, or upon the ownership, operation or maintenance of plants, facilities, machinery, pipelines, gathering lines or any equipment whatsoever, which are, or may be, necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of such oil or gas; provided, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal, not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax levied upon production other than offshore production as defined in Section 40-20-1 under the provisions of this article. Said limitation herein imposed upon counties, cities, towns and municipalities shall remain in full force and effect in regard to offshore production as defined in Section 40-20-1.

“(d) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas. Provided, however, no such taxes or licenses shall be levied on offshore drilling or production facilities as defined in Section 40-20-1.

“(e) In all cases of production of oil from unit operations as authorized and approved by the state oil and gas board of Alabama, for the purposes of computing the per well production aforesaid, the aggregate production of oil from the entire unit shall be divided by the number of wells within the unit, including injection, disposal and other wells utilized in unit operations, and the quotient thereof shall be deemed and declared to be the number of barrels of oil produced from each well in such unit regardless of the actual amount of oil per day produced from the well, if any.”

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of law which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Grayson, Grouby, Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 215. To amend Section 1 of Act No. 83-889, Fourth Special Session of 1983, so as to define "Discovery well", "Development wells", "Onshore well", "Replacement well", "Commenced", "Completion" and "Pool", and to amend Section 2 of Act No. 83-889, Fourth Special Session of 1983, so as to provide that all oil and gas produced from onshore discovery wells, all oil and gas produced from onshore development wells on which drilling commenced within four years of the completion date of the discovery well and producing from a depth of 6,000 feet or greater, and all oil and gas produced from onshore development wells on which drilling commenced within two years of the completion date of the discovery well and producing from a depth less than 6,000 feet shall be taxed at a rate of six (6) percent of the gross value of said oil and gas at the point of production for a period of five (5) years from the date production begins from said discovery and development wells, provided that said discovery and development wells, provided that said discovery and development wells were permitted by the State Oil and Gas Board of Alabama after July 1, 1984; and providing further that the six (6) percent tax rate applicable to a discovery well or development well shall be applicable to any replacement well drilled to replace the discovery well or the development well during the six-percent, five-year, tax-rate period for only the remainder of the said tax-rate period.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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CO-SPONSORS ADDED

All members except for Rep. Rains, were added as co-sponsors to the bill, H. 215.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Biddle, the rules were suspended in order to take up out of order the bills, S. 134 and S. 135.

And the bill:

S. 134. Relating to contractors; to require out-of-state contractors to register and file either a deposit or surety bond as well as a list of personal property involved in a construction project in Alabama upon which use and ad valorem taxes are due and payable; to provide for the payment of such taxes; and to provide for the return of the deposit or surety bond posted.

Was read a third time at length and passed.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Harper, Harvey, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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Nays: Rep. Holley.

—1

And the bill:

S. 135. Relating to contracts and contractors; to give preference to resident contractors who bid on public work projects except where federal funds are involved.

was taken up.

AMENDMENT OFFERED

Rep. Biddle offered the following amendment to the bill, S. 135:

On page 2, line 10, insert a new section as follows:

"Section 3. A summary of this law shall be made a part of the advertised specifications of all projects affected by this law."

and renumber all subsequent sections.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Harper, Harvey, Hettinger, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill, S. 135 as amended, was read a third time at length and passed.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

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SPECIAL ORDER RESUMED

And the bill:

H. 697. (With Amendment): to amend Section 40-2-64, Code of Alabama 1975 so as to remove the limitation of the number of assistant counsels which may be appointed to transact the legal business of the Department of Revenue.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 697 on page 1, line 27 by deleting the figure "seven" and inserting in lieu thereof:

not more than fifteen

MOTION TO POSTPONE

Rep. Carter offered the motion to postpone further consideration of the bill, H. 697 and the pending amendment to the twenty-first legislative day.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Rice that the House adjourn until 12:00 o'clock noon, Tuesday, April 24, 1984, was adopted.

Yeas 50; Nays 17.

Yeas:

Mr. Speaker, Blake, Boles, Brooks, Bryant, Bugg, Burke, Buskey (James), Carothers, Clark (D), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Grayson, Harper, Holley, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McNair, Mathis, Melton, Mikell, Newman, Nicholson, Parker, Penry, Pratt, Rains, Reed, Rice, Sasser, Spratt, Starkey, Thomas, Trammell, Warren and White (F).

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Nays:

Reps.: Adams, Blakeney, Buskey (John), Carter, Clark (J), Hettinger, Holmes, Laird, Marietta, Mitchell, Onderdonk, Poole, Rogers, Smith, Starr, White (L) and Zoghby.

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:30 A.M. on April 19, 1984.

H. 578

H. 181

H. 182

Delivered to the Governor at 3:00 P.M., on April 19, 1984.

H. 226

H. 407

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On substitute motion offered by Rep. Rice and pursuant to the resolution, H. R. 275, heretofore adopted, the House adjourned until 12:00 o'clock noon, Tuesday, April 24, 1984.

TWENTY-FIRST DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 24, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by James L. Defee, Haleburg Baptist Church, Haleburg, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey, (James), Buskey, (John), Butler, Campbell, Carothers, Carter, Clark, (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twentieth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the reading at length of the Journal of the House for the twentieth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twentieth legislative day was approved.

RESOLUTIONS

The following resolutions were introduced:

By Reps.: Blakeney, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 279. MOURNING THE DEATH OF STATE REPRESENTATIVE GEORGE H. GRIMSLEY OF HALEBURG, HENRY COUNTY, ALABAMA.

WHEREAS, it is with utmost regret and in deep personal grief that the Legislature of Alabama notes the death of our friend and colleague, George H. Grimsley, of Haleburg, Henry County, Alabama, on Easter Sunday, April 22, 1984, at the age of 69 years; and

WHEREAS, Representative Grimsley was serving his sixth year in the Alabama Legislature; he was elected to House District 70 in 1978, re-elected in 1982 and, following the 1983 special legislative election, was returned to the House to represent District 85; and

WHEREAS, a graduate of Auburn University with the B.S. degree, Mr. Grimsley also held the Master's degree from Troy State University; he was a professional educator who had served as a former district supervisor for the State Department of Education, junior college administrator, and as vice president and interim president of George C. Wallace State Community College in Dothan; and

WHEREAS, he was a U. S. Army veteran and Bronze Star recipient of World War II; a member of the Alabama and National Education Associations, Haleburg First United Methodist Church, Lions Club and the Education Committee of the Dothan Chamber of Commerce; and

WHEREAS, Mr. Grimsley also was a farmer and cattleman, former Mayor of Haleburg and was the 1971 recipient of the Outstanding Educators of America Award; and

WHEREAS, the death of Representative George H. Grimsley has left a deep void in his community, in these legislative halls, and, indeed, in the entire State of Alabama; he was a distinguished citizen of this state and was a true American patriot; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of George H. Grimsley of Haleburg, Alabama, and extend our very deepest sympathy to his wife, Mrs. Mildred Grimsley, to his children, Karen and Hal, and other family members whose sorrow we deeply share and for whom copies of this resolution shall be provided.

On motion of Rep. Blakeney, the rules were suspended and the resolution, H. J. R. 279, was adopted.

Also:

By Rules Committee:

H. R. 280. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount, and continuing order of business beginning immediately after the report of the Committee on Rules on Tuesday, April 24, 1984, taking precedence over any other business of the House and any other pending Special Orders until such time as said bills are disposed of:

<u>Bill No.</u>	<u>Page</u>	<u>Sponsor</u>	<u>Short Title</u>
H. 231 (w/sub.)	31(S)	Coburn	A.S.E.T.F. budget
H. 715	29(S)	Coburn	Talladega College
H. 623	28(S)	Nicholson	Walker County Junior College
H. 351	26(S)	White (L)	Lyman Ward College
H. 360	27(S)	Reed	Tuskegee Institute
H. 450	27(S)	Bryant	Marion Military Institute
H. 439	29(S)	Coburn	Teachers' pay raise
H. 542	162	Reed	Ala. Heritage Fund; Chappie James appropriation
H. 136	155	Mathis	Hog cholera; appropriation

LOCAL BILLS

UNFINISHED BUSINESS

On motion of Rep. Clark (J), the resolution, H. R. 280, was adopted

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 231. (With Substitute): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1985.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1985.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1985, and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 6, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Special Mental Health Trust Fund, Alabama Board of Nursing Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1985, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, Sections 41-4-80 through 41-4-96, inclusive, as amended), the provisions of the Budget Management Act of 1976 (Code of Alabama 1975, Sections 41-19-1 through 41-19-12, inclusive, as amended), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Section 3:

	ASETF	Trust Funds	Approp. Total
A. STATE AGENCIES			
1. ACADEMY OF HONOR, ALABAMA:			
(a) Historical Resources Manage- ment Program			1,010
SOURCE OF FUNDS:			
(1) ASETF—Transfer	1,010		
Total Alabama Academy of Honor	1,010		1,010

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**2. ARTS AND HUMANITIES,
COUNCIL ON THE:**

(a) Fine Arts Program 1,250,800

The appropriation to the Council on the Arts and Humanities shall include a transfer to the State Personnel Department of \$619.

SOURCE OF FUNDS:

(1) ASETF—Transfer 780,800

(2) Federal and Local Funds 470,000

Total Council on the Arts and Humanities	780,800	470,000	1,250,800
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**3. BUILDING COMMISSION,
STATE:**

(a) Special Services Program 400,000

SOURCE OF FUNDS:

(1) ASETF—Transfer 400,000

Total State Building Commission	400,000	400,000
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4. DEBT SERVICE 649,708

(a) Interest on Endowments:

For interest on University of Montevallo (Alabama College) Endowment, Estimated	34,964
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For interest on Auburn University Endowment	20,280
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For interest on University of Alabama Endowment	61,000
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For interest on Grove Hill Endowment	600
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For interest on Public School Fund Endowment: Inter-

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est on 16th Section Lands, Estimated	410,000
Interest on School Indemnity Lands, Estimated	90,000
Interest on Value- less 16th Section Lands	5,825
Interest on Surplus Revenue	26,764
Interest on James Wallace Fund	<u>275</u>
Total Interest on Public School Fund Endowment	532,864

SOURCE OF FUNDS:

(1) ASETF	649,708	
Total Debt Service	649,708	649,708

5. DENTAL SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program	179,000
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SOURCE OF FUNDS:

(1) ASETF	179,000	
Total Board of Dental Scholarship Awards	179,000	179,000

(To be expended under the
provisions of Code of Alabama
1975, Sections 16-47-76 through
16-47-81, inclusive, as
amended.)

6. EDUCATION, DEPARTMENT
OF:

(a) Administrative Services Pro- gram.	11,189,248
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The proposed spending plan
for the above is as follows:

Compact for Edu- cation.	35,100
Operations and	

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Maintenance of
Department 2,528,462

Telephone Net-
work Fund,
Estimated 1,700,000

Leadership and
Management 270,000

SOURCE OF FUNDS:

(1) ASETF 4,533,562

(2) Federal and Local Funds 6,655,686

Total Administrative Services- Program	4,533,562	6,655,686	11,189,248
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The above appropriation shall
include a transfer to the State
Personnel Department of
\$91,080.

(b) Adult Education Program 3,934,166

The proposed spending plan
for the above is as follows:

Adult Basic Educa-
tion 1,736,000

Community Educa-
tion 224,000

SOURCE OF FUNDS:

(1) ASETF 1,960,000

(2) Federal and Local Funds 1,974,166

Total Adult Education Program	1,960,000	1,974,166	3,934,166
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(c) Direct Client Services for the
Handicapped 45,375,840

To be distributed by the De-
partment of Education as fol-
lows:

Crippled Children
Services Program . 5,635,000

Handicapped Rec-
reation Program .. 200,000

(To provide recrea-
tion and services at
a year-round ac-
credited handi-

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capped recreation
facility.)

Hemophilia Pro-
gram 295,740

Homebound Pro-
gram 2,500,000

Rehabilitation Ser-
vices Program 4,157,000

(Of the above ap-
propriation to Re-
habilitation Ser-
vices Program,
\$250,000 shall be
used for the Deaf
Support Service
Program.)

SOURCE OF FUNDS:

(1) ASETF 15,787,740

(2) Federal and Local Funds. 29,388,100

Total Direct Client Services for the Handicapped	15,787,740	29,388,100	45,175,840
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(d) Emergency Medical Services
Education Program 1,500,000

To be distributed by the De-
partment of Education as fol-
lows:

(1) Birmingham Regional Emer-
gency Medical System 250,000

(2) East Alabama Emergency
Medical Services, Inc. 250,000

(3) North Alabama Emergency
Medical Services, Inc. 250,000

(4) Southeast Alabama Emergency
Medical Services System, Inc.. 250,000

(5) Southwest Alabama Emergency
Medical Services Council, Inc. 250,000

(6) West Alabama Emergency
Medical Services, Inc. 250,000

The amounts herein appropriated
shall be used for the operation and
maintenance of the various medical
services programs named and for
the purchase of instructional sup-

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plies and new instructional equipment for such programs.

SOURCE OF FUNDS:

(1) ASETF	1,500,000	
<hr/>		
Total Emergency Medical Services Education Program ..	1,500,000	1,500,000
	<hr/>	

(e) Financial Assistance Program . 187,297,729

The proposed spending plan for the above is as follows:

Basic Skills Program 165,464

Elementary Teachers Scholarships ... 25,000

(To be paid in accordance with Code of Alabama 1975, Section 16-23-17, as amended.)

SOURCE OF FUNDS:

(1) ASETF	190,464	
(2) Federal and Local Funds ..	187,107,265	
	<hr/>	

Total Financial Assistance Program	190,464	187,107,265	187,297,729
	<hr/>		

(f) Instructional Technical Assistance Program 8,521,208

The proposed spending plan for the above is as follows:

Career Education 175,000

Early Childhood/Kindergarten Administration 110,000

Instructional Technical Assistance 673,441

Special Education Administration 450,000

Vocational Education Administration 686,000

SOURCE OF FUNDS:

(1) ASETF	2,094,441
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(2) Federal and Local Funds	6,426,767		
<hr/>			
Total Instructional Technical Assistance Program	2,094,441	6,426,767	8,521,208
<hr/>			
(g) Local Agency Support Program			11,350,012
The proposed spending plan for the above is as follows:			
Driver Education, School Bus Driver Training and Vehicle Safety Inspection	280,000		
Free Textbooks	8,676,470		
Guidance and Counseling	50,000		
School Facilities and Architectural Services	110,000		
Testing	500,000		
(1) ASETF	9,616,470		
(2) Federal and Local Funds		1,733,542	
<hr/>			
Total Local Agency Support Program	9,616,470	1,733,542	11,350,012
<hr/>			
(h) Regulation Program			1,323,067
The proposed spending plan for the above is as follows:			
School Attendance	31,260		
Teacher Certification and Accreditation	333,105		
Undergraduate/Graduate Program Approval	240,000		
SOURCE OF FUNDS:			
(1) ASETF	604,365		
(2) Federal and Local Funds		718,702	
<hr/>			
Total Regulation Program	604,365,	718,702	1,323,067
<hr/>			
(1) Support of Other Educational Activities Program			9,300

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The proposed spending plan
for the above is as follows:

Education of De-
pendents of Blind

Parents 9,300

SOURCE OF FUNDS:

(1) ASETF..... 9,300

Total Support of Other

Educational Activities Program 9,300 9,300

For reimbursement of every
State Institution of Higher
Learning, College, University,
or Technical College or Junior
College in which benefits are
given to dependents of blind
parents under the provisions of
Code of Alabama 1975, Sec-
tions 16-33-1 through 16-33-12,
inclusive, as amended.

(j) Support of State Universities
Program 50,000

SOURCE OF FUNDS

(1) Federal and Local Funds 50,000

Total Support of State

Universities Program 50,000 50,000

(k) Projects—Vocation Rehabilita-
tion/Crippled Children Ser-
vices Program 741,848

SOURCE OF FUNDS:

(1) Federal and Local Funds 741,848

Total Projects—Vocation

Rehabilitation/Crippled

Children Services Program 741,848 741,848

(1) Disability Determination
for Social Security Pro-
gram 19,072,394

SOURCE OF FUNDS:

(1) Federal and Local Funds 19,072,394

Total Disability Determination
for Social Security Program ...

19,072,394 19,072,394

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TOTAL DEPARTMENT OF
EDUCATION:

SOURCE OF FUNDS:

(1) ASETF	36,296,342		
(2) Federal and Local Funds		253,868,470	

GRAND TOTAL
DEPARTMENT OF

EDUCATION	36,296,342	253,868,470	290,164,812
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7. EDUCATION, STATE BOARD OF
—MINIMUM PROGRAM AND
PUBLIC SCHOOL FUND:

(a) Financial Assistance Program	590,394,842
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SOURCE OF FUNDS:

(1) ASETF	548,018,357		
(2) Public School Fund		37,700,000	
(3) Local Funds		4,676,485	

Total Minimum Program, Public School Fund and Local Funds	548,018,357	42,376,485	590,394,842
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The above appropriation shall be paid in accordance with Code of Alabama 1975, Sections 16-13-50 through 16-13-59, inclusive, as amended, and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1984-85 is based on 22,778 teacher units. It is provided in the event that there are more than 22,778 earned teacher units for the fiscal year 1984-85, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above, then the amount that would have been necessary to pay for those earned teacher units shall not be allotted or paid.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$451,213,980. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

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<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$21,726	2,987	\$ 64,895,562
I	20,342	13,607	276,793,594
II	17,711	6,184	109,524,824
III	14,912	0	0
IV	12,950	0	0
		<u>22,778</u>	<u>\$451,213,980</u>

For "Principal Supplement" an amount not to exceed the total of \$2,277,800.

For "Other Current Expense" an amount not to exceed \$3,497.72 for each earned teacher unit but the total shall not exceed the sum of \$79,671,066. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$1,477,609.

The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of funds to be used for transportation purposes but shall not exceed the sum of \$55,604,387.

**8. EDUCATION, STATE BOARD OF
—LOCAL BOARDS:**

(a) Financial Assistance Program . 313,891,816

SOURCE OF FUNDS:

(1) ASETF 313,891,816

Total State board of Education—Local Boards	313,891,816	313,891,816
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To be distributed by the State
Board of Education for:

(a) Teachers' Sick
Leave 3,500,000
Of the appropriation herein-
above made for Teachers' Sick
Leave, the rate of not more
than \$17 per day is hereby ap-
propriated.

(b) Support Personnel Sick
Leave 1,431,781
Of the appropriation herein-
above made for support per-
sonnel sick leave in accordance

with Code of Alabama 1975,
Section 16-1-18, as amended,
the rate of not more than \$17
per day is hereby appropriated.

- (c) Teachers' Personal
Leave 957,707

The appropriation hereinabove
made for Teachers' Personal
Leave provides for two (2) days
personal leave at \$17 per
teacher unit for each teacher
employed (except ECIA Chap-
ter 1 and 2 teachers).

- (d) Funds to Replace
Fees 10,597,125

Of the appropriation herein-
above made for Funds to Re-
place Fees, there is hereby ap-
propriated two hundred
seventy-five dollars (\$275) per
teacher unit for grades K-12
for all teachers employed (ex-
cept ECIA Chapter 1 and 2
teachers).

- (e) Maintenance 5,968,104

- (f) Continuation of funds previ-
ously granted for Special Edu-
cation 24,525,489

- (g) Special Schools for Special Ed-
ucation 2,153,000

To be distributed by the State
Board of Education as follows:
\$350,000 shall be allocated to
the Tuscaloosa Regional Hand-
icapped School; \$350,000 shall
be allocated to the Southwest
Alabama School for Deaf and
Blind; \$250,000 shall be allo-
cated to the Vivian B. Adams
School; \$25,000 shall be allo-
cated to the Butler County
Training School for the Men-
tally Retarded in Greenville,
Alabama; \$25,000 shall be allo-
cated to the Hope Haven
School in Colbert County;
\$25,000 shall be allocated to

the Jasper Shriner School; \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama; \$25,000 shall be allocated to Project Independence in Coffee County, Alabama; \$50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$43,000 to Auburn University Preschool for Multi-handicapped Children; \$75,000 to the Alice Pigman School; \$75,000 to the Montgomery County Board of Education for the purpose of establishing a pilot program for deaf students in public schools; \$300,000 shall be allocated to the McInnis School in Montgomery, Alabama; \$50,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$30,000 shall be allocated to the Geneva County Day Care and Training Center; \$120,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$30,000 shall be allocated to the Houston County Board of Education for a pilot program for gifted children; \$75,000 shall be allocated to the Cleveland School for the Handicapped; \$35,000 shall be allocated to the South Talladega County Association for Retarded Citizens, Inc.; \$15,000 shall be allocated to the ECHO FOUNDATION; \$145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Code of Alabama

1975, Sections 16-39-3, as amended, and P.L. 94-142.

- (h) Kindergarten teacher units 53,060,500

The above appropriation is for 2,300 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$44,866,543. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$21,726	162	\$ 3,519,612
I	20,342	1,323	26,912,466
II	17,711	<u>815</u>	<u>14,434,465</u>
		2,300	\$44,866,543

For "Other Current Expense" an amount not to exceed \$3,497.72 for each earned teacher unit but the total shall not exceed the sum of \$8,044,756. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$149,201.

Of the above appropriation for Kindergarten Teacher Units, nine (9) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program. It is the intent of the Legislature to fully fund a state-wide Kindergarten program at the ratio of 22 students in average daily attendance for the first four months to 1 teacher unit. In the event less than 2,300 teacher units are earned for the fiscal year 1984-85, then such amount shall not be allotted or paid.

- (i) Continuation of Teacher Units to reduce pupil-teacher ratio in grades 1-6 15,155,597

The above appropriation is for 650 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$12,839,913. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

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<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$21,726	83	\$ 1,803,258
I	20,342	378	7,689,276
II	17,711	<u>189</u>	<u>3,347,379</u>
		650	\$12,839,913

For "Other Current Expense" an amount not to exceed \$3,497.72 for each earned teacher unit but the total shall not exceed the sum of \$2,273,518. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,166.

- (j) Supportive Teacher
Units 40,034,779

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen (15) units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (h), and Continuation Teacher Units in (i). The above appropriation is for 1,715 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$33,924,937. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$21,726	231	\$ 5,018,706
I	20,342	997	20,280,974
II	17,711	<u>487</u>	<u>8,625,257</u>
		1,715	\$33,924,937

For "Other Current Expense" an amount not to exceed \$3,497.72 for each earned teacher unit but the total not exceed the sum of \$5,998,590. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$111,252.

(k) Special Education Teacher
Units 77,390,441

The above appropriation is for 3,250 teacher units and includes salaries, other current expense, capital improvements and transportation at the following rates:

For "Salaries" the sum shall not exceed \$64,964,023. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$21,726	302	\$ 6,561,252
I	20,342	2,353	47,864,726
II	17,711	<u>595</u>	<u>10,538,045</u>
		3,250	\$64,964,023

For "Other Current Expense" an amount not to exceed \$3,497.72 for each earned teacher unit but the total shall not exceed the sum of \$11,367,590. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$848,000.

(l) Driver Education Teacher
Units 6,830,530

The above appropriation is for 290 driver education teacher units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$5,797,379. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

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<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$21,726	31	\$ 673,506
I	20,342	204	4,149,768
II	17,711	<u>55</u>	<u>974,105</u>
		290	\$5,797,379

For "Other Current Expense" an amount not to exceed \$3,497.72 for each earned teacher unit but the total shall not exceed the sum of \$1,014,339. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$18,812.

- (m) Vocational Education 70,976,706

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the \$70,976,706, the sum of \$1,344,187 shall be allocated for handicapped students in Vocational Education.

- (n) Youth Services Department District 1,310,057

The above appropriation shall be expended by the Youth Services Department District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, Sections 44-1-70 through 44-1-77, inclusive, as amended.

9. EDUCATION, STATE BOARD OF
— JUNIOR COLLEGE SYSTEM:

- (a) Postsecondary Two-Year Institutions Program

94,564,848

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SOURCE OF FUNDS:

(1) ASETF	52,741,993		
(2) Federal and Local Funds ..		82,533	
(3) State Funds		12,008	
(4) Other Funds		21,274,955	
(5) Auxiliary Enterprises		6,587,703	
(6) Restricted Funds		13,865,656	
<hr/>			
Total Junior College System ..	52,741,993	41,822,855	94,564,848
<hr/>			

This appropriation to the Alabama State Board of Education for the Junior College System is to be used for operations and maintenance of the Junior Colleges listed herein and is to be distributed on the following formula:

(A) Junior Colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$144,644.

(B) The sum of \$194,893 for high technology equipment is to be allotted on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(C) The sum of \$200,000 to each Junior College.

(D) The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1983-84 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis upon the 1983-84 academic year in accordance with the number of quarter hours attempted within the departments. However, only major al-

lied health courses will be funded; related courses will be funded the same as non-health programs. Continuing education unit hours shall be excluded from the computations herein required. The above appropriation is to be distributed to the following Junior Colleges:

(1) Alexander City State Junior College; (2) S.D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.

10. EDUCATION, STATE BOARD OF
— TECHNICAL COLLEGE
SYSTEM:

- (a) Postsecondary Two-Year Institutions Program

68,082,790

SOURCE OF FUNDS:

- (1) ASETF 43,759,778

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(2) Federal and Local Funds	1,100,595		
(3) State Funds	16,500		
(4) Other Funds	14,224,037		
(5) Auxiliary Enterprises	5,256,395		
(6) Restricted Funds	3,725,485		
<hr/>			
Total Technical College System	43,759,778	24,323,012	68,082,790
<hr/>			

This appropriation to the Alabama State Board of Education for the Technical College System is to be used for operations and maintenance of the Technical Colleges listed herein and is to be distributed as follows:

(A) Technical Colleges with programs generating contact hours at Alabama Correctional Institutions shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$417,463.

(B) The sum of \$194,892 for high technology equipment is to be allotted on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(C) The remainder of the appropriation is to be allotted to each Technical College in accordance with a formula adopted by the State Board of Education. The formula for a given program may not differ between Colleges. The application of the formula shall be standard for all Colleges. The following Colleges shall receive the distribution as provided hereinabove:

(1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State

Technical College; (6) John C. Calhoun State Community College-Technical College; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest Alabama State Technical College; (16) N. F. Nunnolley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncy Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville).

11. EXAMINERS OF PUBLIC
ACCOUNTS:

- (a) Legislative Support—Audit
Services Programs

1,210,000

For purposes of auditing all
phases of public education.

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SOURCE OF FUNDS:

(1) ASETF — Transfer	1,210,000	
<hr/>		
Total Examiners of Public Accounts	1,210,000	1,210,000
<hr/>		

**12. FINE ARTS, ALABAMA SCHOOL
OF:**

(a) Fine Arts Program		1,098,971
SOURCE OF FUNDS:		
(1) ASETF	875,000	
(2) Federal and Local Funds	22,971	
<hr/>		
Total Alabama School of Fine Arts	875,000	223,971
		1,098,971
<hr/>		

**13. FIREFIGHTERS' PERSONNEL
STANDARDS AND EDUCATION
COMMISSION, ALABAMA:**

(a) Professional and Occupational Licensing and Regulation Pro- gram		143,300
The appropriation to the Ala- bama Firefighters' Personnel Standards and Education Com- mission shall include a transfer to the State Personnel Depart- ment of \$182.		
SOURCE OF FUNDS:		
(1) ASETF — Transfer	143,300	
<hr/>		
Total Alabama Firefighters' Personnel Standards and Education Commission	143,300	143,300
<hr/>		

**14. HEALTH, DEPARTMENT OF
PUBLIC:**

(a) Health Support Services Pro- gram	517,346
Of the above appropriation, \$215,373 is appropriated for Public School Food Sanitation.	
(b) Personal Health Improvement Program:	
(1) Perinatal Activities	629,804

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Provided, however, that the above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee on Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.

(2) Immunization Activities 159,100

For immunization of preschool children and students.

SOURCE OF FUNDS

(1) ASETF — Transfer	1,306,250	
<hr/>		
Total Department of Public Health.	1,306,250	1,306,250
<hr/>		

15. HEALTH INSURANCE BOARD,
PUBLIC EDUCATION
EMPLOYEES':

(a) Administrative Support Services Program 28,765,866

The above appropriation shall be expended for Hospital/Medical or Dental Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers for grades K-14 paid from State or local funds. Of the appropriation hereinabove made for hospital/Medical or Dental Insurance, there is hereby appropriated the sum of four hundred thirty-nine dollars (\$439) per annum per teacher, administrative supervisory unit, full-time support employee, and adult

school bus driver for grades K-14, provided that no more than \$439.00 shall be appropriated per person. Full-time support employees shall be defined as those support employees working at least six hours per day or a minimum of 30 hours per week.

SOURCE OF FUNDS:

(1) ASETF	28,765,866	
<hr/>		
Total Public Education Employees' Health Insurance Board	28,765,866	28,765,866
<hr/>		

16. HEALTH INSURANCE, STATE EMPLOYEES':

(a) Employee Benefits Program, Estimated	1,483,500
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SOURCE OF FUNDS:

(1) ASETF	1,483,500	
<hr/>		
Total State Employees Health Insurance, Estimated	1,483,500	1,483,500
<hr/>		

17. HIGHER EDUCATION, ALABAMA COMMISSION ON:

(a) Planning & Coordination Services Program	1,340,328
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The proposed spending plan for the above program is as follows:

Operations and Maintenance 999,524
Southern Regional Education Board (SREB) 290,804
Program Evaluation... 250,000

(b) Student Financial Aid Program	5,367,363
Of the above program \$3,000,000 of the ASETF funds shall be expended for the Alabama Student Grant Program in accordance with <u>Code of Alabama 1975, Sections 16-33A-1</u>	

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through 16-33A-11, inclusive,
as amended.

- (c) Support of Other Educational
Activities Program 500,000

Of the above program, \$500,000
of the ASETF funds shall be
expended for support of the
Network of Alabama Academic
Libraries (NAAL).

SOURCE OF FUNDS:

- | | | |
|-----------------------------------|-----------|--|
| (1) ASETF | 4,840,328 | |
| (2) Federal and Local Funds | 2,367,363 | |
| | | |

Total Alabama Commission on Higher Education	4,840,328	2,367,363	7,207,691

**18. INDUSTRIAL DEVELOPMENT
TRAINING INSTITUTE,
ALABAMA:**

- (a) Industrial Training Program .. 1,698,334

SOURCE OF FUNDS:

- | | | |
|-----------------------------------|-----------|--|
| (1) ASETF | 1,624,000 | |
| (2) Federal and Local Funds | 74,334 | |
| | | |

Total Alabama Industrial Development Training Institute	1,624,000	74,334	1,698,334

19. LAW INSTITUTE, ALABAMA:

- (a) Support of Other Educational
Activities Program 272,000

SOURCE OF FUNDS:

- | | | |
|-----------------|---------|--|
| (1) ASETF | 272,000 | |
| | | |

Total Alabama Law Institute ..	272,000	272,000

20. LEGISLATURE:

- (a) Legislative Data Processing
Program 166,606

SOURCE OF FUNDS:

- | | | |
|----------------------------|---------|--|
| (1) ASETF — Transfer | 166,606 | |
| | | |

Total Legislature	166,606	166,606

(To be expended under the
provisions of Act 84-130.)

21. LIBRARY SERVICE, ALABAMA
PUBLIC:

6(a) Public Library Service Program			5,877,690
The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of \$4,481.			
SOURCE OF FUNDS:			
(1) ASETF	4,644,105		
(2) Federal and Local Funds		1,233,585	
<hr/>			
Total Alabama Public Library Service	4,644,105	1,233,585	5,877,690
<hr/>			

22. MARINE ENVIRONMENTAL
SCIENCES CONSORTIUM:

(a) Support of Other Educational Activities Program			802,131
SOURCE OF FUNDS:			
(1) ASETF	625,000		
(2) Federal and Local Funds		177,131	
<hr/>			
Total Marine Environmental Sciences Consortium	625,000	177,131	802,131
<hr/>			

23. MEDICAL SCHOLARSHIPS
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program			692,000
SOURCE OF FUNDS:			
(1) ASETF	692,000		
<hr/>			
Total Board of Medical Scholarship Awards	692,000		692,000
<hr/>			

(To be expended under the
provisions Code of Alabama
1975, Sections 16-47-121
through 16-47-129, inclusive, as
amended.)

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24. NURSING, ALABAMA BOARD

OF:

- (a) Professional and Occupational
Licensing and Regulation Pro-
gram..... 914,000

The appropriation to the Ala-
bama Board of Nursing shall
include a transfer to the State
Personnel Department of \$838.

SOURCE OF FUNDS:

- (1) ASETF — Transfer—as
provided in Code of Ala-
bama 1975, Sections 34-
21-60 through 34-21-63,
inclusive, as amended 57,000
- (2) Alabama Board of Nursing
Trust Fund—as provided
in Code of Alabama 1975,
Sections 34-21-1 through
34-21-43, inclusive, as
amended..... 857,000

Total Alabama Board of Nursing	57,000	857,000	914,000
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**25. OPTOMETRIC SCHOLARSHIP
AWARDS, BOARD OF:**

- (a) Support of Other Educational
Activities Program..... 125,000

SOURCE OF FUNDS:

- (1) ASETF..... 125,000

Total Board of Optometric Scholarship Awards	125,000	125,000
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(To be expended under the
provisions of Code of Alabama
1975, Sections 34-22-60 through
34-22-65, inclusive, as
amended.)

**26. PEACE OFFICERS' STANDARDS
AND TRAINING COMMISSION,
ALABAMA:**

- (a) Professional and Occupational
Licensing and Regulation Pro-
gram..... 168,300

- (b) Certified Law Enforcement Academy Program 750,000

Of the above appropriation for the Certified Law Enforcement Academy Program, \$300,000 of the ASETF funds shall be expended as follows:

Jacksonville State University	84,000
University of Alabama	84,000
James H. Faulkner Jr. College	84,000
Troy State University — Montgomery	<u>48,000</u>
Total	300,000

The appropriation to the Alabama Peace Officers' Standards and Training Commission shall include a transfer to the State Personnel Department of \$182.

SOURCE OF FUNDS:

(1) ASETF	468,300		
(2) Alabama Peace Officers' Standards and Training Fund—as provided in <u>Code of Alabama 1975</u> , Sections 36-21-40 through 36-21-50, inclusive, as amended		450,000	
Total Alabama Peace Officers' Standards and Training Commission	468,300	450,000	918,300

27. PHYSICAL FITNESS,
COMMISSION ON:

- (a) Advisory Services Program ... 180,000

The appropriation to the Commission on Physical Fitness shall include a transfer to the State Personnel Department of \$291.

SOURCE OF FUNDS:

(1) ASETF	180,000
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Total Commission on Physical Fitness	180,000	180,000
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**28. POSTSECONDARY EDUCATION
DEPARTMENT:**

(a) Postsecondary Two-Year Institutions Program		1,040,000
SOURCE OF FUNDS:		
(1) ASETF	600,000	
(2) Federal and Local Funds	440,000	
Total Postsecondary Education Department	600,000	440,000 1,040,000

**29. RETIREMENT SYSTEM OF
ALABAMA, EMPLOYEE'S
(ASETF SHARE):**

(a) Retirement Systems Program, Estimated	246,500	
SOURCE OF FUNDS:		
(1) ASETF	246,500	
Total Employees' Retirement System of Alabama (ASETF Share)	246,500	246,500

**30. RETIREMENT SYSTEM OF
ALABAMA, TEACHERS' (ASETF
SHARE):**

(a) Retirement Systems Program, Estimated		160,080,000
SOURCE OF FUNDS:		
(1) ASETF — Teachers' Retirement System, Estimated	137,100,000	
(2) ASETF — Teachers' Special Pension Fund, Estimated	22,980,000	
Total Teachers' Retirement System of Alabama (ASETF Share)	160,080,000	160,080,000

31. SHELTON STATE COMMUNITY

COLLEGE-ALABAMA STATE
FIRE COLLEGE:

(a) Postsecondary Two Year Institutions Program			676,625
SOURCE OF FUNDS:			
(1) ASETF	269,828		
(2) Federal and Local Funds		406,797	
<hr/>			
Total Shelton State Community College-Alabama State Fire College	269,828	406,797	676,625
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32. SOCIAL SECURITY (ASETF
SHARE):

(a) For State's share of Social Security, Estimated			112,000,000
SOURCE OF FUNDS:			
(1) ASETF	112,000,000		
<hr/>			
Total Social Security (ASETF Share)	112,000,000		112,000,000
<hr/>			

33. TENURE COMMISSION, STATE:

(a) Regulation Program			11,000
SOURCE OF FUNDS:			
(1) ASETF	11,000		
<hr/>			
Total State Tenure Commission	11,000		1,000
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34. TELEVISION COMMISSION,
EDUCATIONAL:

(a) Educational TV Services Program			3,083,900
(b) Public Radio Services Program			267,100
The appropriation to the Educational Television Commission shall include a transfer to the State Personnel Department of \$6,376.			
SOURCE OF FUNDS:			
(1) ASETF	2,376,000		
(2) Federal and Local Funds		975,000	
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Total Educational Television Commission	2,376,000	975,000	3,351,000

**35. UNEMPLOYMENT COMPENSA-
TION-LOCAL BOARDS:**

(a) Financial Assistance Program ..	3,150,000
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SOURCE OF FUNDS:

(1) ASETF, Estimated	3,150,000

Total Unemployment Compensation — Local Boards	3,150,000	3,150,000

**36. VETERANS' EDUCATION
BENEFITS:**

(a) Administration of Veterans' Affairs Program	2,504,000
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SOURCE OF FUNDS:

(1) ASETF	2,504,000

Total Veterans' Education Benefits	2,504,000	2,504,000

The above appropriation in-
cludes pro rata administration
costs of the Department of Vet-
erans Affairs and for the reim-
bursement to every State Insti-
tution of Higher Learning,
College, University, Junior Col-
lege, or Technical College, in
which benefits are given to Vet-
erans, their wives, widows, or
children under the provisions of
Code of Alabama 1975, Sec-
tions 31-6-1 through 31-6-17,
inclusive, as amended.

**37. YOUTH SERVICES, DEPART-
MENT OF:**

(a) Youth Services Program	13,005,268
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The appropriation to the De-
partment of Youth Services
shall include a transfer to the
State Personnel Department of
\$26,559.

SOURCE OF FUNDS:

(1) ASETF	10,369,000
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(2) Federal and Local Funds .		2,636,268	
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Total Department of Youth Services	10,369,000	\$2,636,268	13,005,268
<hr/>			

(To be expended in accordance with the provisions of the Code of Alabama 1975, Sections 44-1-1 through 44-1-56, inclusive as amended.)

**B. FINANCIAL ASSISTANCE TO
NON-STATE EDUCATIONAL
AGENCIES:**

1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:

(a) Support of Other Educational Activities Program			5,300
SOURCE OF FUNDS:			
(1) ASETF	5,300		
<hr/>			
Total American Legion and Auxiliary Scholarships	5,300		5,300
<hr/>			

(To be expended under the provisions of Code of Alabama 1975, Sections 16-31-1 through 16-31-4, inclusive, as amended.)

2. DAR SCHOOL, KATE DUNCAN SMITH:

(a) Support of Other Educational Activities Program			17,000
SOURCE OF FUNDS:			
(1) ASETF	17,000		
<hr/>			
Total Kate Duncan Smith DAR School	17,000		17,000
<hr/>			

3. EAST ALABAMA CHILD DEVELOPMENT CENTER:

(a) Financial Assistance Program .			800,000,
SOURCE OF FUNDS:			
(1) ASETF	800,000		
<hr/>			
Total East Alabama Child Development Center	800,000		800,000
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**4. MENTAL HEALTH BOARD OF
BIBB, PICKENS, AND TUSCA-
LOOSA COUNTIES:**

(a) Financial Assistance Program \$50,000

SOURCE OF FUNDS:

(1) ASETF 50,000

Total Mental Health Board of
Bibb, Pickens, and Tuscaloosa
Counties.

50,000 50,000

**5. MONTGOMERY AREA FAMILY
VIOLENCE CENTER:**

(a) Financial Assistance Program 15,000

SOURCE OF FUNDS:

(1) ASETF 15,000

Total Montgomery Area Family
Violence Center.

15,000 15,000

6. PENELOPE HOUSE, INC.:

(a) Financial Assistance Program 15,000

SOURCE OF FUNDS:

(1) ASETF 15,000

Total Penelope House, Inc.

15,000 15,000

**7. SYLACAUGA NURSES TRAIN-
ING SCHOOL:**

(a) Support of Other Educational
Activities Program 84,600

SOURCE OF FUNDS:

(1) ASETF 84,600

Total Sylacauga Nurses Train-
ing School.

84,600 84,600

Section 4.

**COLLEGES, UNIVERSITIES AND
SCHOOLS**

**I. BOARD OF TRUSTEES OF UNIVER-
SITY OF ALABAMA:**

A. The University

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1. Operations and Maintenance	42,546,120	27,834,119	70,380,239
2. Gadsden Educational Programs	218,000	75,000	293,000
3. Center for Emotionally Disturbed Children	581,560		581,560
4. Nursing Scholarships	18,000		18,000
5. Advocacy Program for the Developmentally Disabled	26,500		26,500
6. Capstone Medical Center	914,000	706,100	1,620,100
7. Alabama Museum of National History	182,320	65,400	247,720
8. College of Community Health Sciences Medical Education	2,700,720	216,160	2,916,880
9. Research, Extension and Public Service	4,267,020	240,000	4,507,020
10. School of Mines and Energy Development	1,995,980		1,995,980
11. Emergency Medical Services	153,700		153,700
12. Rural Infant Stimulation Environment Program	179,140		179,140
13. High Risk Nursery	124,000		124,000
14. Safe State and Research and Development Program	400,680		400,680
15. Industrial Management Program ...	1,000,000		1,000,000
16. Auxiliary Enterprises		21,326,046	21,326,046
17. Restricted Funds		15,091,000	15,091,000

SOURCE OF FUNDS:

(1) ASETF	55,307,740		
(2) Other Funds		65,553,825	
Total University of Alabama ..	55,307,740	65,553,825	120,861,565

B. University of Alabama in Birmingham

1. University College	20,067,420	19,041,300	39,108,720
2. Family Practice Residency Programs	1,694,766		1,694,766

The above appropriation shall be ex-

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pended for residency programs as follows:

Anniston	266,830		
East End	266,830		
Jefferson County ..	266,830		
Montgomery	266,830		
Selma	360,616		
Gadsden	266,830		
3. School of Medicine	22,501,088	13,899,000	36,400,088
4. University Hospitals	6,309,224	163,872,323	170,181,547
5. School of Optometry	3,195,294	1,470,700	4,665,994
6. School of Community and Allied Health	2,909,880	1,201,100	4,110,980
7. Regional Technical Institute	2,566,780	286,600	2,853,380
8. Joint Health Sciences	4,152,000	900,500	5,052,500
9. Department of Pediatrics and Children's Hospital	634,776		634,776
10. Center for Labor Education and Research	336,828		336,828
11. Student Nurses Loans	12,000		12,000
12. Center for Diabetes Research	210,000		210,000
13. Urban Research and Public Service	537,605		537,605
14. School of Dentistry	7,760,938	4,220,100	11,981,038
15. Nursing Scholarships	88,000		88,000
16. System Medical Education Program	533,177		533,177
17. School of Nursing	5,151,276	1,207,000	6,358,276
18. Health-Related Research and Public Service	3,077,054		3,077,054
19. Public Health Research Program ..	152,146		152,146
20. Emergency Medical Service and Training	174,508		174,508
21. Medical Genetics Program	483,526		483,526
22. Hypertension Research	423,312		423,312
23. Multipurpose Arthritis Center	423,312		423,312
24. School of Engineering and Business	465,492		465,492
25. School of Public Health	1,623,254	342,000	1,965,254
26. Montgomery Internal Medicine Residency	299,057		299,057
27. Research Development and Relations	163,017		163,017
28. Center for Cystic Fibrosis Research	90,100		90,100

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29. Center for Congenital Heart Disease	90,100	90,100
30. Center for Nuclear Magnetic Resonance Studies	500,00	500,000
31. Special Mental Health	3,510,755	3,510,755
32. Center for Developmental and Learning Disorders	708,779	708,779
33. Auxiliary Enterprises	8,004,900	8,004,900
34. Restricted Funds	50,508,000	50,508,000

SOURCE OF FUNDS:

(1) ASETF	86,625,930	
(2) Special Mental Health Trust Fund	4,219,534	
(3) Other Funds	264,953,523	

Total University of Alabama in Birmingham	86,625,930	269,173,057	355,798,987
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C. University of Alabama in Huntsville

1. Operations and Maintenance	10,849,660	7,652,609	18,502,269
2. Nursing Scholarships	18,000		18,000
3. School of Primary Medical Care ...	3,011,580	325,200	3,336,780
4. Johnson Environmental and Energy Center	382,823	39,043	421,866
5. Ambulatory Care Center	899,000	440,000	1,339,000
6. School of Nursing	965,000	271,383	1,236,383
7. Paramedic Training	131,000	21,480	152,480
8. Alabama Solar Energy Center	378,067		378,067
9. Center for Management and Economic Research	49,608		49,608
10. Community Medicine Rural Preceptorship Program	34,000		34,000
11. Research Institute	159,502	272,707	432,209
12. High Technology Resources Foundation	500,000		500,000
13. Auxiliary Enterprises		2,043,882	2,043,882
14. Restricted Funds		3,981,522	3,981,522

SOURCE OF FUNDS:

(1) ASETF	17,378,240
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(2) Other Funds		15,047,826	
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Total University of Alabama in Huntsville	17,378,240	15,047,826	32,426,066
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II. Board of Trustees of Alabama A & M University

A. Alabama A & M University

1. Operations and Maintenance	9,896,040	5,536,000	15,432,040
2. Vocational Teacher Training	280,000		280,000
3. Cooperative Extension, Research and Service	871,109		871,109
4. Auxiliary Enterprises		4,244,111	4,244,111
5. Restricted Funds		6,983,216	6,983,216

SOURCE OF FUNDS:

(1) ASETF	11,047,149		
(2) Other Funds		16,763,327	

Total Alabama A & M University	11,047,149	16,763,327	27,810,476
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III. Board of Trustees of Alabama State University

A. Alabama State University

1. Operations and Maintenance	9,054,540	4,586,490	13,641,030
2. Educational Radio Station	200,000		200,000
3. Public Services Program	100,000		100,000
4. Research Extension and Public Service	1,500,000		1,500,000
5. Auxiliary Enterprises		4,508,910	4,508,910
6. Restricted Funds		6,841,430	6,841,430

SOURCE OF FUNDS:

(1) ASETF	10,854,540		
(2) Other Funds		15,936,830	

Total Alabama State University	10,854,540	15,936,830	26,791,370
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IV. State Board of Education

A. Athens State College

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1. Operations and Maintenance	2,449,114	938,127	3,387,241
2. Auxiliary Enterprises		211,319	211,319
3. Restricted Funds		205,000	205,000

SOURCE OF FUNDS:

(1) ASETF	2,449,114		
(2) Other Funds		1,354,446	
Total Athens State College ...	2,449,114	1,354,446	3,803,560

V. Board of Trustees of Auburn University

A. Auburn University

1. Operations and Maintenance	51,918,570	34,671,222	86,589,792
2. Educational Television	409,697		409,697
3. Center for Vocational and Adult Education	581,845		581,845
4. Clinical Psychology	128,006		128,006
5. Ralph Draughon Library	239,452		239,452
6. Engineering Experiment Station ...	1,240,121		1,240,121
7. Public Service, Research and Extension	419,929		419,929
8. Energy Research	299,950		299,950
9. Food Animal Health and Disease Research	371,000		371,000
10. Veterinary Teaching Hospital and Clinic	300,000		300,000
11. Truman Pierce Institute for the Advancement of Teacher Education	100,000		100,000
12. School of Forestry	100,000		100,000
13. Nursing Scholarships	18,000		18,000
14. Auxiliary Enterprises		25,088,137	25,088,137
15. Restricted Funds		10,532,550	10,532,550

SOURCE OF FUNDS:

(1) ASETF	56,126,570		
(2) Other Funds		70,291,909	
Total Auburn University ...	56,126,570	70,291,909	126,418,479

B. Agricultural Experiment Station

1. Operations and Maintenance	10,814,013	5,090,406	15,904,419
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2. Restricted Funds	6,764,669	6,764,669
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SOURCE OF FUNDS:

(1) ASETF	10,814,013
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(2) Other Funds	11,855,075
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Total Agricultural Experiment
Station

10,814,013	11,855,075	22,669,088
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C. Cooperative Extension Service

1. Operations and Maintenance	11,678,441	11,678,441
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2. Retirement	1,568,000	1,568,000
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3. Restricted Funds	10,336,798	10,336,798
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SOURCE OF FUNDS:

(1) ASETF	13,246,441
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(2) Other Funds	10,336,798
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Total Cooperative Extension
Service

13,246,441	10,336,798	23,583,239
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D. Auburn University at Montgomery

1. Operations and Maintenance	8,877,330	5,238,551	14,115,881
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2. Montgomery Area Community Health Sciences Institute	54,000		54,000
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3. Public Service, Research and Extension	478,000	55,000	533,000
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4. Nursing Scholarships	18,000		18,000
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5. Auxiliary Enterprises		1,815,000	1,815,000
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6. Restricted Funds		1,627,028	1,627,028
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SOURCE OF FUNDS:

(1) ASETF	9,427,330
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(2) Other Funds	8,735,579
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Total Auburn University at
Montgomery

9,427,330	8,735,579	18,162,909
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**VI. Board of Trustees of Jacksonville State
University**

A. Jacksonville State University

1. Operations and Maintenance	12,807,940	5,879,000	18,686,940
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2.	Gadsden Educational Program	464,000	30,000	494,000
3.	Nursing Scholarships	18,000		18,000
4.	United Cerebral Palsy Development Center for East Central Alabama ..	107,000		107,000
5.	Vocational Teacher Training	107,000		107,000
6.	Developmental Education Project ..	200,435		200,435
7.	Center for Economic Development ..	149,565		149,565
8.	Auxiliary Enterprises		2,784,515	2,784,515
9.	Restricted Funds		2,710,000	2,710,000

SOURCE OF FUNDS:

(1)	ASETF	13,853,940		
(2)	Other Funds		11,403,515	
Total Jacksonville State University		13,853,940	11,403,515	25,257,455

**VII. Board of Trustees of Livingston
University**

A. Livingston University

1.	Operations and Maintenance	4,570,850	1,044,380	5,615,230
2.	Nursing Scholarships	18,000		18,000
3.	Auxiliary Enterprises		2,102,723	2,102,723
4.	Restricted Funds		521,372	521,372

SOURCE OF FUNDS:

(1)	ASETF	4,588,850		
(2)	Other Funds		3,668,475	
Total Livingston University ...		4,588,850	3,668,475	8,257,325

**VIII. Board of Trustees of University
of Montevallo**

A. University of Montevallo

1.	Operations and Maintenance	7,034,940	3,452,803	10,487,743
2.	School of Aphasic Children	286,994		286,994
3.	Highway Safety Program	145,834		145,834
4.	Communication Center	100,405		100,405
5.	Institute for Management Information Systems	185,400		185,400
6.	Auxiliary Enterprises		3,087,153	3,087,153

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7. Restricted Funds	987,774	987,774
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SOURCE OF FUNDS:

(1) ASETF	7,753,573	
(2) Other Funds		7,527,730
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Total University of Montevallo	7,753,573	7,527,730 15,281,303

**IX. Board of Trustees of University of
North Alabama**

A. University of North Alabama

1. Operations and Maintenance	9,783,180	5,570,900	15,354,080
2. Research and Public Service	365,000		365,000
3. Nursing Scholarships	18,000		18,000
4. Center for Business Productivity and Relations	200,000		200,000
5. Auxiliary Enterprises		1,869,972	1,869,972
6. Restricted Funds		260,290	260,290

SOURCE OF FUNDS:

(1) ASETF	10,366,180	
(2) Other Funds		7,701,162

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Total University of North Alabama	10,366,180	7,701,162 18,067,342

**X. Board of Trustees of University of
South Alabama**

A. University of South Alabama

1. Operations and Maintenance	15,845,194	15,158,306	31,003,500
2. Medical Research and Public Service	300,784		300,784
3. Family Practice Residency Program	602,391		602,391
4. College of Medicine	10,676,160	5,730,800	16,406,960
5. Medical Center Hospital	1,213,000	42,557,517	43,770,517
6. College of Allied Health	973,678	263,000	1,236,678
7. College of Nursing	896,434	336,794	1,233,228
8. Nursing Scholarships	18,000		18,000
9. Paramedic Training Program	149,000	75,000	224,000
10. Newborn Growth and Development Program	85,684		85,684

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11. Birth Defects and Genetic Center ..	212,141		212,141
12. Research and Public Service	98,000	60,000	158,000
13. Basic Medical Sciences	349,224	78,000	427,224
14. Auxiliary Enterprises		6,945,810	6,945,810
15. Restricted Funds		8,631,500	8,631,500

SOURCE OF FUNDS:

(1) ASETF	31,419,690		
(2) Other Funds		79,836,727	

Total University of South Alabama	31,419,690	79,836,727	111,256,417
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**XI. Board of Trustees of Troy State
University**

A. Troy State University

1. Operations and Maintenance at Troy	8,611,002	5,322,956	13,933,958
2. Operations and Maintenance at Ft. Rucker/Dothan	1,329,354	1,485,897	2,815,251
3. Operations and Maintenance at Montgomery	695,462	1,591,000	2,286,462
4. Nursing Scholarships	36,000		36,000
5. Operations and Maintenance at Bay Minette	273,187	166,425	439,612
6. School of Nursing-Montgomery	250,000	20,700	270,700
7. Branch Campus at Phenix City	532,895	394,117	927,012
8. Center for Developmental Education	146,950		146,950
9. Public Radio Station	130,000		130,000
10. Research and Public Service	120,000		120,000
11. Auxiliary Enterprises		4,500,000	4,500,000
12. Restricted Funds		1,091,500	1,091,500

SOURCE OF FUNDS:

(1) ASETF	12,124,850		
(2) Other Funds		14,572,595	

Total Troy State University ..	12,124,850	14,572,595	26,697,445
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**XII. Board of Trustees for Alabama
Institute for Deaf and Blind**

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1. Children and Youth Programs	7,605,828	1,281,700	8,887,528
2. E. H. Gentry Technical Facility	2,332,326	2,176,000	4,508,326
3. Industries for the Blind	642,418	12,562,000	13,204,418

SOURCE OF FUNDS:

(1) ASETF	10,580,572		
(2) Other Funds		16,019,700	

Total Alabama Institute for Deaf and Blind	10,580,572	16,019,700	26,600,272
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Section 5.

**A. GOVERNOR'S EDUCATION
PROGRAM: STATE BOARD OF
EDUCATION**

14,809,140

For the enhancement of educational opportunities in math, science, language arts, and computer education including but not limited to the purchase of equipment, the hiring of temporary, adjunct teaching personnel, implementation of acts and resolutions passed by the 1984 Legislature, and to support the study of public education in Alabama. Said programs to be implemented by the State Board of Education at the direction of and with the approval of the Governor.

SOURCE OF FUNDS:

(1) ASETF	14,809,140		
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Total Governor's Education Program	14,809,140		14,809,140
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**B. TRENHOLM STATE
TECHNICAL COLLEGE—
FOR PARAMEDIC TRAINING: . . .**

125,000

SOURCE OF FUNDS:

(1) ASETF	125,000		
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Total Trenholm State Technical College—For Paramedic Training	125,000		125,000
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Section 6.

The following appropriations are hereby made from non-recurring revenues.

A. ELEMENTARY/SECONDARY
EDUCATION:

1. State Board of Education	26,000,000
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(To be distributed based upon a
procedure to be determined by the
State Board of Education.)

(a) School Buses	19,000,000
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(b) Library Enhancement (K-12)	5,000,000
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(c) Textbooks	1,000,000
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(d) Math, Computer Instructional, and Science Equipment	1,000,000
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SOURCE OF FUNDS:

(1) ASETF	26,000,000
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Total State Board of Education	26,000,000	26,000,000
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2. State Department of Education	2,000,000
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(a) State Testing Materials	700,000
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(b) Basic Competency Testing	400,000
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(c) Basic Skills Program ..	900,000
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SOURCE OF FUNDS:

(1) ASETF	2,000,000
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Total State Department of Education	2,000,000	2,000,000
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3. Public School and College Authority, Alabama	2,826,798
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(a) Public School and College Au- thority, Alabama ...	2,576,798
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(b) Asbestos Removal Study in El- ementary/Secondary Schools	250,000
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SOURCE OF FUNDS:

(1) ASETF	2,826,798	
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Total Alabama Public School and College Authority	2,826,798	2,826,798
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4. Burned-Out Schools

(a) Burned-Out Schools Program ..		3,000,000
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(b) Capital Outlay for Junior Col- leges		2,000,000
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(To be distributed as deter-
mined by the Alabama Public
School and College Authority.)

SOURCE OF FUNDS:

(1) ASETF	5,000,000	
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Total Burned-Out Schools	5,000,000	5,000,000
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**5. Public Education Employee's
Health Insurance Board**

(a) Administrative Support Ser- vices Program		5,000,000
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(The above appropriation to
the Public Education Em-
ployee's Health Insurance
Board is to be invested and re-
invested and used for the sole
purpose of funding the neces-
sary reserve as determined by
claims expense.)

SOURCE OF FUNDS:

(1) ASETF	5,000,000	
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Total Public Education Employees' Health Insurance Board	5,000,000	5,000,000
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B. HIGHER EDUCATION

1. Alabama Research Institute		5,000,000
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(To be expended in accordance
with Executive Order No. 10,
dated May 11, 1983.)

SOURCE OF FUNDS:

(1) ASETF	5,000,000	
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Total Alabama Research
Institute2. Board of Trustees of Alabama
State University

(a) Alabama State University	1,500,000
(For program enhancement)	

SOURCE OF FUNDS:

(1) ASETF	1,500,000
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Total Alabama State

University	1,500,000	1,500,000
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3. Board of Trustees of Alabama A
& M University

(a) Alabama A & M University . .	1,500,000
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To be expended as follows:

Program Enhance-	
ment	50,000

High Technology	
Resource Founda-	
tion	1,000,000

SOURCE OF FUNDS:

(1) ASETF	1,500,000
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Total Alabama A & M

University	1,500,000	1,500,000
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4. Board of Trustees of University of
Alabama

(a) The University of Alabama . . .	1,500,000
(For research, capital outlay or program development)	

SOURCE OF FUNDS:

(1) ASETF	1,500,000
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Total The University of
Alabama

1,500,000	1,500,000
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(b) University of Alabama in Bir-	
mingham	1,000,000

(For research, capital outlay or program development)	
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SOURCE OF FUNDS:

(1) ASETF	1,000,000	
<hr/>		

Total University of Alabama in Huntsville		1,000,000
(For High Technology Resource Foundation)		

SOURCE OF FUNDS:

(1) ASETF	1,000,000	
<hr/>		

Total University of Alabama in Huntsville	1,000,000	1,000,000
<hr/>		

5. Board of Trustees of Auburn University

(a) Auburn University		1,000,000
(For research, capital outlay or program development)		

(b) Auburn University Poultry Lab		500,000
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SOURCE OF FUNDS:

(1) ASETF	1,500,000	
<hr/>		

Total Auburn University	1,500,000	1,500,000
<hr/>		

(b) Auburn University at Montgomery		477,801,
(For capital outlay or program development)		

SOURCE OF FUNDS:

(1) ASETF	477,801	
<hr/>		

Total Auburn University at Montgomery	477,801	477,801
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6. Board of Trustees of Jacksonville State University

(a) Jacksonville State University. .		220,954
(For capital outlay or program development)		

SOURCE OF FUNDS:

(1) ASETF	220,954	
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Total Jacksonville State University	220,954	220,954
<hr/>		

7. Board of Trustees of University
of Montevallo

(a) University of Montevallo	244,755	
(For capital outlay or program development)		
SOURCE OF FUNDS:		
(1) ASETF	244,755	
Total University of Montevallo	244,755	244,755

8. Board of Trustees of University
of North Alabama

(a) University of North Alabama .	361,637	
(For capital outlay or program development)		
SOURCE OF FUNDS:		
(1) ASETF	361,637	
Total University of North Alabama	361,637	361,637

9. Board of Trustees of University
of South Alabama

(a) University of South Alabama .	500,000	
(For research, capital outlay or program development)		
SOURCE OF FUNDS:		
(1) ASETF	500,000	
Total University of South Alabama	500,000	500,000

10. Board of Trustees of Troy State
University

(a) Troy State University	499,708	
(For capital outlay or program development)		
SOURCE OF FUNDS:		
(1) ASETF	499,708	
Total Troy State University . .	499,708	499,708

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**11. State Board of Education —
Athens State College**

(a) Athens State College 150,000

(For scientific technology
equipment)

SOURCE OF FUNDS:

(1) ASETF 150,000

Total State Board of
Education — Athens State
College

150,000

150,000

**12. State Board of Education — Junior
College System**

1,900,717

(a) Equipment 1,360,238

(b) Faculty Development and In-
Service Training 540,479

SOURCE OF FUNDS:

(1) ASETF 1,900,717

Total State Board of
Education — Junior College
School System

1,900,717

1,900,717

**13. State Board of Education —
Technical College System**

1,819,759

(a) Equipment 1,360,238

(b) Faculty Development and In-
Service Training 459,521

SOURCE OF FUNDS:

(1) ASETF 1,819,759

Total State Board of
Education — Technical
College System

1,819,759

1,819,759

**14. Marine Environmental Sciences
Consortium:**

(a) Support of Other Educational
Activities Program

36,000

SOURCE OF FUNDS:

(1) ASETF 36,000

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Total Marine Environmental Sciences Consortium		36,000	36,000
<hr/>			
15. Alabama Small Business Development Consortium:			
(a) Support of Other Educational Activities Program			396,587
SOURCE OF FUNDS:			
(1) ASETF		396,587	
<hr/>			
Total Alabama Small Business Development Consortium		396,587	396,587
<hr/>			
16. Public School and College Authority, Alabama			
			125,000
(Asbestos Removal Study in Four-Year Institutions)			
SOURCE OF FUNDS:			
(1) ASETF		125,000	
<hr/>			
Total Alabama Public School and College Authority		125,000	125,000
<hr/>			
17. Public School and College Authority, Alabama			
			125,000
(Asbestos Removal Study in Two-Year Institutions)			
SOURCE OF FUNDS:			
(1) ASETF		125,000	
<hr/>			
Total Alabama Public School and College Authority		125,000	125,000
<hr/>			
C. OTHER:			
1. Educational Television Commission:			
(a) Educational Television Services Program			100,000
(For equipment purchases)			
SOURCE OF FUNDS:			
(1) ASETF		100,000	
<hr/>			
Total Educational Television Commission		100,0000	100,000
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2. Children's Hospital of Birmingham: 1,125,000

SOURCE OF FUNDS:

(1) ASETF 1,125,000

Total Children's Hospital of
Birmingham 1,125,000 1,125,000

3. Opportunities Industrialization
Center: 100,000

SOURCE OF FUNDS:

(1) ASETF 100,000

Total Opportunities
Industrialization Center 100,000 100,000

4. Southeast Alabama Rehabilitation
Center of Dothan 50,000

SOURCE OF FUNDS:

(1) ASETF 50,000

Total Southeast Alabama
Rehabilitation Center of
Dothan 50,000 50,000

Section 7. A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$3,510,755 to be expended for Special Mental Health.

(2) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$708,799 to be expended for the Center for Developmental and Learning Disorders.

B. ALABAMA BOARD OF NURSING TRUST FUND:

There is hereby appropriated from the Alabama Board of Nursing Trust Fund to the Alabama Board of Nursing \$857,000 to be expended for the Professional and Occupational Licensing and Regulation Program.

C. ALABAMA PEACE OFFICERS' STANDARDS AND TRAINING FUND:

There is hereby appropriated from the Alabama Peace Officers' Standards and Training Fund to the Alabama Peace Officers' Standards and Training Commission \$450,000 to be expended for the Certified Law Enforcement Academy Program:

D. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 259 of the Constitution of Alabama 1901 and the amount appropriated from all other funds as is now provided by law, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated thirty-seven million and seven hundred thousand dollars (\$37,700,000) from the Public School Fund for the Minimum Program Fund to be expended under the Financial Assistance Program as shown in subsection 3-A:7(a). If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1985, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1985.

Section 8. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

Section 9. Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation. Further, all state, county and education entities are authorized to disburse such funds as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by the Code of Alabama 1975, Section 41-5-24.

Section 10. All encumbered balances of all prior-year appropriations shall revert to the State Treasury at the end of the 1974-85 fiscal year and to the credit of the Alabama Special Educational Trust Fund or the Trust Fund from which the appropriation or appropriations were made. Appropriations for the purchase of land or the erection of buildings or new construction shall continue in force until the completion of the work for which such appropriations are made.

Section 11. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

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Section 12. This act shall become effective on October 1, 1984.

And the substitute was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Boles, Box, Brakefield, Britnell, Bryant, Buskey (John), Butler, Campbell, Carothers, Clark (D), Coburn, Ford, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, Melton, Moore, Newman, Nicholson, Parker, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (F) and Zoghby.

—56

AMENDMENT OFFERED

Rep. Coburn offered the following amendment to the bill, H. 231 as amended:

Amend the Substitute to House Bill 231 in Section 3 (A) (170 (a) on page 26 line 19 by deleting the figure "999,524" and inserting in lieu thereof the figure "799,524".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Black, Boles, Box, Brakefield, Britnell, Bryant, Buskey (John), Butler, Campbell, Carter, Clark (D), Coburn, Coleman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Parker, Poole, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Warren, White (F), White (L) and Zoghby.

—59

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 231 as amended:

Amend House Bill 231 as substituted on page 12 A, lines 11, 13, and 15 by deleting the figure "313,891,816" and inserting in lieu thereof the figure "313,991,816".

Further amend House Bill 231 as substituted on page 13, line 25 by deleting the figure "2,153,000" and inserting in lieu thereof the figure "2,253,000".

Further amend House Bill 231 as substituted on page 13, line 30 by deleting the figure "350,000" and inserting in lieu thereof the figure "450,000".

Further amend house Bill 231 as substituted on page 26, line 15 by deleting the figure "1,340,328" and inserting in lieu thereof the figure "1,240,328".

Further amend House Bill 231 as substituted on page 26, line 19 by deleting the figure "799,524" and inserting in lieu thereof the figure "699,524".

Further amend House Bill 231 as substituted on page 27, lines 7 and 10 by deleting the figure "4,840,328" and inserting in lieu thereof the figure "4,740,328".

Further amend House Bill 231 as substituted on page 27, line 10 by deleting the figure "7,207,691" and inserting in lieu thereof the figure "7,107,691".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Boles, Box, Brakefield, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleburn, Crow, Escott, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Mikell, Newman, Onderdonk, Parker, Penry, Poole, Pratt, Rains, Reed, Rice, Richardson, Smith, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—62

The question was then on the passage of the bill, H. 231 as amended.

MOTION TO POSTPONE TABLED

On motion of Rep. Coburn, the motion offered by Rep. Sasser to postpone further consideration of the bill, H. 231 as amended, to the twenty-fourth legislative day, was tabled.

Yeas 44; Nays 34.

Yeas:

Mr. Speaker, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Crow, Dutton, Ford, Goodwin, Harvey, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, Marietta, Melton, Moore, Nicholson, Parker, Poole, Reed, Smith, Spratt, Starkey, Thomas, Trammell, Turner and Warren.

—44

Nays:

Reps.: Adams, Bachus, Beers, Butler, Carothers, Carter, Coleman, Cosby, Faulk, Gaston, Grayson, Grouby, Hammett, Harper, Hettinger, Hooper, Kvalheim, Laird, McKee, McMillan, Mathis, Mikell, Newman, Preuit,

Rice, Richardson, Sasser, Seibels, Starr, Venable, White (F), White (G) and White (L).

—34

The question was then on the passage of the bill, H. 231 as amended.

MOTION TO POSTPONE TABLED

On motion of Rep. Coburn, the motion offered by Rep. Sasser to postpone further consideration of the bill, H. 231 as amended, to the twenty-third legislative day, was tabled.

Yeas 51; Nays 39.

Yeas:

Mr. Speaker, Biddle, Black, Boles, Bowlings, Box, Brakefield, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Ford, Goodwin, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McNair, Marietta, Melton, Moore, Nicholson, Parker, Perdue, Poole, Reed, Rogers, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Warren and Zoghby.

—51

Nays:

Reps.: Adams, Bachus, Beers, Blakeney, Brooks, Butler, Carothers, Coleman, Cosby, Faulk, Gaston, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Hooper, Kvalheim, Laird, McKee, McMillan, Mathis, Mikell, Newman, Onderdonk, Penry, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Starr, Turnham, Venable, White (F), White (G) and White (L).

—39

The question was then on the passage of the bill, H. 231 as amended.

MOTION TO POSTPONE TABLED

On motion of Rep. Coburn, the motion offered by Rep. Sasser to postpone further consideration of the bill, H. 231 as amended, to the twenty-second legislative day, was tabled.

Yeas 51; Nays 36.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Ford, Goodwin, Gray, Holley, Holmes, Horn, Johnson, (R.G.) Johnson, (Roy), Junkins, Kennedy, Lauderdale, McDowell, McNair, Melton, Moore, Newman, Nicholson, Parker, Perdue, Pratt, Reed, Rogers, Smith, Spratt, Starkey, Trammell, Turner and Warren.

—51

Nays:

Reps.: Adams, Blakeney, Brooks, Carothers, Faulk, Flowers, Gaston, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Hooper, Kvalheim, Laird, Lindsey, McKee, McMillan, Mathis, Mikell, Onderdonk, Payne,

Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Starr, Turnham, Venable, White (F) White (G) and White (L).

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REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 215. To amend Section 1 of Act No. 83-889, Fourth Special Session of 1983, so as to define "Discovery well", "Development wells", "Onshore well", "Replacement well", "Commenced", "Completion" and "Pool", and to amend Section 2 of Act No. 83-889, Fourth Special Session of 1983, so as to provide that all oil and gas produced from onshore discovery wells, all oil and gas produce from onshore development wells on which drilling commenced within four years of the completion date of the discovery well and producing from a depth of 6,000 feet or greater, and all oil and gas produced from onshore development wells on which drilling commenced within two years of the completion date of the discovery well and producing from a depth less than 6,000 feet shall be taxed at a rate of six (6) percent of the gross value of said oil and gas at the point of production for a period of five (5) years from the date production begins from said discovery and development wells provided that said discovery and development wells were permitted by the State Oil and Gas Board of Alabama after July 1, 1984; and providing further that the six (6) percent tax rate applicable to a discovery well or development well shall be applicable to any replacement well drilled to replace the discovery well or the development well during the six-percent, five-year, tax-rate period for only the remainder of the said tax-rate period.

JIMMY CLARK,
Chairman.

And the bill, H. 215 as engrossed, was ordered sent to the Senate.

S. 370 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 370 from the Standing Committee on Ways and Means to the Standing Committee on Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 11. CREATING AN INTERIM LEGISLATURE COMMITTEE TO ASSESS THE NON-FEDERAL ASPECTS AND RESPONSIBILITIES INVOLVED IN COMPLETING THE COOSA RIVER NAVIGATION PROJECT.

Also:

S. J. R. 146. COMMENDING THE MONTGOMERY CHAPTER OF PROFESSIONAL SECRETARIES INTERNATIONAL.

Also:

S. J. R. 148. AMENDING ACT NO. 83-339, S. J. R. 47, 1983 REGULAR SESSION, WHICH CREATED A JOINT INTERIM LEGISLATURE COMMITTEE ON THE ARTS AND HUMANITIES.

Also:

S. J. R. 154. COMMENDING C. F. VIGOR HIGH SCHOOL, PRICHARD, ALABAMA.

Also:

S. J. R. 170. CREATING THE HUNTSVILLE GOVERNMENTAL STUDY TASK FORCE.

Also:

S. J. R. 172. COMMENDING MRS. FAY BUNCH, STATE PRESIDENT OF THE VETERANS OF FOREIGN WARS LADIES AUXILIARY.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 231 RESUMED

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 231 as amended:

Amend Substitute to H. B. 231, page 52, Section 6 (b), lines 27 and 28 by striking in its entirety.

Further amend on lines 33 and 34 by striking 5,000,000 and add the following: 3,000,000

Further amend on page 12A, line 11 by striking 313,891,816 and add the following: 315,891,816

Further amend on line 12, by striking 313,891,816 and add the following: 315,891,816

Further amend on line 15, by striking 313,891,816 and add the following: 315,891,816

Further amend on page 13, line 12 by striking 10,597,125 and add the following: 315,891,816

Further amend on page 13, line 12 by striking 10,597,125 and add the following: 12,597,125

Further amend on lines 15 and 16 by striking two hundred seventy five dollars (\$275) and add the following: three hundred twenty six dollars and ninety cents (\$326.90)

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Harper to the bill, H. 231 as amended, was tabled.

Yeas 52; Nays 19.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Coburn, Crow, Davis, Escott, Ford, Goodwin, Gray, Hall, Holley, Johnson, (R.G.) Johnson, (Roy), Junkins, Kennedy, Lauderdale, McDowell, Marietta, Melton, Moore, Newman, Nicholson, Payne, Perdue, Pratt, Rains, Reed, Rogers, Thomas, Trammell, Turner Warren, White, (F), White (G), and Zoghby.

—52

Nays:

Reps.: Adams, Brooks, Carter, Cosby, Fuller, Gaston, Grouby, Harper, Hooper, Laird, McKee, McMillan, McNair, Mathis, Mikell, Parker, Poole, Rice, and Richardson.

—19

AMENDMENT OFFERED

Rep. Butler offered the following amendment to the bill, H. 231 as amended:

Amend House Bill 231 as substituted on page 52 after line 26 by adding the following:

“of the above amount “\$1,500,000.00 will be expended for the reconstruction of Stone Middle School in Huntsville, AL.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Butler to the bill, H. 231 as amended, was tabled.

Yeas 49; Nays 26.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey, James, Buskey, John, Campbell, Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Faulk, Ford, Goodwin, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, McDowell, Melton, Moore, Newman, Parker, Perdue, Pratt, Rains, Rogers, Spratt, Thomas, Trammell, Warren, White (F) and Zoghby.

—49

Nays:

Reps.: Bachus, Brooks, Burke, Butler, Carter, Cosby, Fuller, Gaston, Grayson, Hall, Hammett, Harper, Hettinger, Hooper, Kvalheim, Lindsey, McMillan, Mathis, Mikell, Onderdonk, Penry, Poole, Rice, Sasser, Venable and White (G).

—26

AMENDMENT OFFERED

Rep. Mathis offered the following amendment to the bill, H. 231 as amended:

Amend H. 231 as Substituted, page 52, line 26, by striking the figure "3,000,000" and inserting in lieu thereof "1,000,000" and on lines 33 and 34 by striking the figure "5,000,000" and inserting in lieu thereof "3,000,000"

Further amend the bill, page 51, line 14 by striking the figure "26,000,000" and inserting in lieu thereof "28,000,000" and on line 18, by striking the figure "19,000,000" and inserting in lieu thereof "21,000,000" and on lines 26 and 27 by striking the figure "26,000,000" and inserting in lieu thereof the figure "28,000,000"

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Mathis to the bill, H. 231 as amended, was tabled.

Yeas 50; Nays 33.

Yeas:

Mr. Speaker, Biddle, Blake, Bowling, Box, Brakefield, Browder, Bryant, Bugg, Buskey (John), Campbell, Carter, Clark, (J) Coburn, Coleman, Crow, Davis, Dutton, Escott, Ford, Gaston, Goodwin, Gray, Hall, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Martin, Melton, Moore, Newman, Nicholson, Parker, Perdue, Pratt, Rains, Rogers, Spratt, Trammell, Turner, Turnham, White (F) and Zoghby.

—50

Nays:

Reps.: Bachus, Black, Blakeney, Brooks, Burke, Clark, (D), Cosby, Faulk, Flowers, Fuller, Grouby, Hammett, Harper, Harvey, Hooper, McKee, McMillan, Mathis, Mikell, Onderdonk, Payne, Penry, Poole, Preuitt, Rice, Sasser, Seibels, Starkey, Starr, Venable, Warren, White (G), and White, (L).

—33

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 220. MOURNING THE DEATH OF MR. MARSHEL JOHNSON, JUNIOR, OF JASPER, ALABAMA.

Also:

H. J. R. 221. COMMENDING DISWORTH COMMUNITY ON GROUNDBREAKING FOR NEW CENTER.

Also:

H. J. R. 222. COMMENDING COACH VAN DEERMAN ON HIS OUTSTANDING CAREER AS COACH AND EDUCATOR AT JACKSONVILLE HIGH SCHOOL.

Also:

H. J. R. 223. COMMENDING JACKSONVILLE STATE UNIVERSITY WOMEN'S AND MEN'S GYMNASTICS TEAM.

Also:

H. J. R. 224. COMMENDING HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLER TIM MINOR.

Also:

H. J. R. 225. COMMENDING HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLING TEAM.

Also:

H. J. R. 226. DESIGNATING JUNE 4-9, 1984, AS "ALABAMA WEEK" IN THE STATE OF ALABAMA.

Also:

H. J. R. 227. COMMENDING RHUBARB JONES OF MONTGOMERY, ALABAMA, NATIONAL DISC JOCKEY OF THE YEAR.

Also:

H. J. R. 233. COMMENDING MR. AND MRS. CHRISTOPHER McARDLE OF THEODORE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 234. COMMENDING UAB BLAZER STEVE MITCHELL.

Also:

H. J. R. 235. COMMENDING UAB BLAZER, ANTHONY GORDON.

Also:

H. J. R. 236. COMMENDING UAB BLAZER, McKINLEY SINGLETON.

Also:

H. J. R. 237. DESIGNATING MAY 5, 1984, AS "RAZZY BAILEY DAY" IN ALABAMA.

Also:

H. J. R. 244. COMMENDING MR. AND MRS. GEORGE HARRIS AND THE HARRIS HOME ON THE 30TH ANNIVERSARY OF THE INSTITUTION'S ESTABLISHMENT.

Also:

H. J. R. 245. MOURNING THE DEATH OF JUDGE ROY MAYHALL OF JASPER, ALABAMA.

Also:

H. J. R. 249. WISHING MR. JAMES J. CAMPBELL A SPEEDY RECOVERY.

Also:

H. J. R. 250. COMMENDING AND CONGRATULATING THE DADEVILLE, ALABAMA, KIWANIS CLUB ON THE OCCASION OF ITS 50TH ANNIVERSARY.

Also:

H. J. R. 251. MOURNING THE DEATH OF MR. ISAAC JUDSON SCOTT OF OPELIKA, ALABAMA.

Also:

H. J. R. 258. COMMENDING REGINA STANFORD FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 259. COMMENDING MISS PAIGE FERNIE REYNOLDS OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE,
Secretary.

H. 231 RESUMED
AMENDMENT OFFERED

Rep. White (L) offered the following amendment to the bill, H. 231 as amended:

Amend the Ways & Means Substitute to House Bill 231, Section 4, I, B, Subsection 28, Page 39, line 19, by striking the figures "90,100" and insert in lieu thereof the figure "190,100" and on line 34, strike the figures "86,625,930" and "355,798,987" and insert in lieu thereof the figures "86,725,930" and "355,898,987".

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. White (L) to the bill, H. 231 as amended, was tabled.

Yeas 57; Nays 12.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey, James, Buskey, Johnson, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Ford, Goodwin, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, McDowell, Melton, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Pratt, Rice, Rogers, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Turnham and Zoghby.

Nays:

Reps.: Brooks, Gaston, Hall, Kvalheim, McKee, McMillan, Mikell, Payne, Poole, Venable, Warren and White (L).

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AMENDMENT OFFERED

Rep. Trammell offered the following amendment to the bill, H. 231 as amended:

Amend House Bill 231 as substituted on page 52, line 25 by striking the language "Burned-Out Schools" and inserting in lieu thereof the language "Burned-Out Schools and School and Facility Repair".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 4.

Yeas:

Mr. Speaker, Blake, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey, (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Harper, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McNair, Martin, Mathis, Melton, Moore, Newman, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—75

Nays: Reps.: Brooks, McMillan, Preuitt and White (G).

—4

AMENDMENT OFFERED

Rep. Rains offered the following amendment to the bill, H. 231 as amended:

Amend the Substitute to House Bill 231 in Section 3 (A) by deleting pages 11 through 19 in their entirety and inserting in lieu thereof the following:

"(l) Disability Determination for Social Security Program	19,072,394
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SOURCE OF FUNDS:

(1) Federal and Local Funds	19,072,394
---------------------------------------	------------

Total Disability Determination for Social Security Program	19,072,394	19,072,394
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TOTAL DEPARTMENT OF
EDUCATION:

SOURCE OF FUNDS:

(1) ASETF	36,296,342
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(2) Federal and Local Funds .	253,868,470
<hr/>	

GRAND TOTAL DEPARTMENT OF EDUCATION	36,296,342 253,868,470 290,164,812
<hr/>	

**7. EDUCATION, STATE BOARD
OF—MINIMUM PROGRAM AND
PUBLIC SCHOOL FUND:**

(a) Financial Assistance Program .	545,360,262
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SOURCE OF FUNDS:

(1) ASETF	502,983,777
(2) Public School Fund	37,700,000
(3) Local Funds	4,696,485
<hr/>	

Total Minimum Program, Public School Fund and Local Funds	502,983,777 42,376,485 545,360,262
<hr/>	

The above appropriation shall be paid in accordance with Code of Alabama 1975, Sections 16-13-50 through 16-13-59, inclusive, as amended, and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1984-85 is based on 22,778 teacher units. It is provided in the event that there are more than 22,778 earned teacher units for the fiscal year 1984-85, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above, then the amount that would have been necessary to pay for those earned teacher units shall not be allotted or paid.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$411,977,394. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

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<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$19,837	2,987	\$ 59,253,119
I	18,573	13,607	252,722,811
II	16,171	6,184	100,001,464
III	13,615	0	0
IV	11,824	0	0
		22,778	\$411,977,394

For "Principal Supplement" an amount not to exceed the total of \$2,277,800.

For "Other Current Expense" an amount not to exceed \$3,363.14 for each earned teacher unit but the total shall not exceed the sum of \$76,605,603. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchrooms worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$1,477,609.

The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$52,871,856.

8. EDUCATION, STATE BOARD OF
— LOCAL BOARDS:

(a) Financial Assistance Program 293,641,520

SOURCE OF FUNDS:

(1) ASETF 293,641,520

Total State Board of

Education — Local Boards 293,641,520 293,641,520

To be distributed by the State
Board of Education for:

(a) Teachers' Sick
Leave 3,500,000

Of the appropriation herein-
above made for Teachers' Sick
Leave, the rate of not more
than \$17 per day is hereby ap-
propriated.

(b) Support Personnel Sick
Leave 1,431,781

Of the appropriation herein-
above made for support per-
sonnel sick leave in accordance

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with Code of Alabama 1975,
Section 16-1-18, as amended,
the rate of not more than \$17
per day is hereby appropriated.

- (c) Teachers' Personal
Leave 957,707

The appropriation hereinabove
made for Teachers' Personal
Leave provides for two (2) days
personal leave at \$17 per
teacher unit for each teacher
employed (except ECIA Chap-
ter 1 and 2 teachers).

- (d) Funds to Replace
Fees 10,597,125

Of the appropriation herein-
above made for Funds to Re-
place Fees, there is hereby ap-
propriated two hundred
seventy-five dollars (\$275) per
teacher unit for grades K-12
for all teachers employed (ex-
cept ECIA Chapter 1 and 2
teachers).

- (e) Maintenance 5,968,104

- (f) Continuation of funds previ-
ously granted for Special Edu-
cation 24,525,489

- (g) Special Schools for Special Ed-
ucation 2,153,000

To be distributed by the State
Board of Education as follows:
\$350,000 shall be allocated to
the Tuscaloosa Regional Hand-
icapped School; \$350,000 shall
be allocated to the Southwest
Alabama School for Deaf and
Blind; \$250,000 shall be allo-
cated to the Vivian B. Adams
School; \$25,000 shall be allo-
cated to the Butler County
Training School for the Men-
tally Retarded in Greenville,
Alabama; \$25,000 shall be allo-
cated to the Hope Haven
School in Colbert County;
\$25,000 shall be allocated to

the Jasper Shriner School; \$25,000 shall be allocated to the the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama; \$25,000 shall be allocated to Project Independence in Coffee County, Alabama; \$50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$43,000 to Auburn University Preschool for Multi-handicapped Children; \$75,000 to the Alice Pigman School; \$75,000 to the Montgomery County Board of Education for the purpose of establishing a pilot program for deaf students in public schools; \$300,000 shall be allocated to the McInnis School in Montgomery, Alabama; \$50,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$30,000 shall be allocated to the Geneva County Day Care and Training Center; \$120,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$30,000 shall be allocated to the Houston County Board of Education for a pilot program for gifted children; \$75,000 shall be allocated to the Cleveland School for the Handicapped; \$35,000 shall be allocated to the South Talladega County Association for Retarded Citizens, Inc.; \$15,000 shall be allocated to the ECHO FOUNDATION; \$145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Code of Alabama

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1975, Sections 16-39-3, as amended, and P.L. 94-142.

- (h) Kindergarten teacher units 48,849,461

The above appropriation is for 2,300 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$40,965,038. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$19,837	162	\$ 3,213,594
I	18,573	1,323	24,572,079
II	16,171	<u>815</u>	<u>13,179,365</u>
		2,300	\$40,965,038

For "Other Current Expense" an amount not to exceed \$3,363.14 for each earned teacher unit but the total shall not exceed the sum of \$7,735,222. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$149,201.

Of the above appropriation for Kindergarten Teacher Units, nine (9) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program. It is the intent of the Legislature to fully fund a state-wide Kindergarten program at the ratio of 22 students in average daily attendance for the first four months to 1 teacher unit. In the event less than 2,300 teacher units are earned for the fiscal year 1984-85, then such amount shall not be allotted or paid.

- (i) Continuation of Teacher Units to reduce pupil-teacher ratio in grades 1-6 13,951,591

The above appropriation is for 650 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$11,723,384. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$ 19,837	83	\$ 1,646,471
I	18,573	378	7,020,594
II	16,171	<u>189</u>	<u>3,056,319</u>
		650	\$11,723,384

For "Other Current Expense" an amount not to exceed \$3,363.14 for each earned teacher unit but the total shall not exceed the sum of \$2,186,041. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,166.

(j) Supportive Teacher
Units. 36,853,942

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen (15) units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (h), and Continuation Teacher Units in (i). The above appropriation is for 1,715 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$30,974,905. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$19,837	231	\$ 4,582,347
I	18,573	997	18,517,281
II	16,171	<u>487</u>	<u>7,875,277</u>
		1,715	\$30,974,905

For "Other Current Expense" an amount not to exceed \$3,363.14 for each earned teacher unit but the total not exceed the sum of \$5,767,785. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

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For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$111,252.

- (k) Special Education Teacher
Units 71,303,821

The above appropriation is for
3,250 teacher units and in-
cludes salaries, other current
expense, capital improvements
and transportation at the fol-
lowing rates:

For "Salaries" the sum shall not exceed \$59,314,788. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$19,837	302	\$ 5,990,774
I	18,573	2,353	43,702,269
II	16,171	<u>595</u>	<u>9,621,745</u>
		3,250	\$59,314,788

For "Other Current Expense" an amount not to exceed \$3,363.14 for each earned teacher unit but the total shall not exceed the sum of \$10,930,205. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$848,000.

- (l) Driver Education Teacher
Units 6,287,367

The above appropriation is for
290 driver education teacher
units or other teacher units as
approved by the local Board of
Education and includes sala-
ries, other current expense, and
capital improvements at the
following rates:

For "Salaries" the sum shall not exceed \$5,293,244. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$19,837	31	\$ 614,947
I	18,573	204	3,788,892
II	16,171	<u>55</u>	<u>889,405</u>
		290	\$5,293,244

For "Other Current Expense" an amount not to exceed \$3,363.14 for each earned teacher unit but the total shall not exceed the sum of \$975,311. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$18,812.

(m) Vocational
Education 65,066,359

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the \$65,066,359, the sum of \$1,344,187 shall be allocated for handicapped students in Vocational Education.

(n) Youth Services Department
District 1,310,057

The above appropriation shall be expended by the Youth Services Department District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama, 1975, Sections 44-1-70 through 44-1-77, inclusive, as amended."

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Rains to the bill, H. 231 as amended, was tabled.

Yeas 75; Nays 7.

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, Martin, Mathis, Melton, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), and Zoghby.

—75

Nays:

Reps.: Brooks, Faulk, Harper, McMillian, Penry, Poole and Rains.

—7

AMENDMENT OFFERED

Rep. Hooper offered the following amendment to the bill, H. 231 as amended:

Amend Substitute to H. 231, page 16, subsection (h) by changing the period to a semi-colon and adding the following language.

except that in the event more teacher units than the 2300 provided for herein are needed to provide a state-funded kindergarten class for every eligible child, then such amounts necessary to pay for these excess teacher units are hereby appropriated.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Hooper to the bill, H. 231 as amended, was tabled.

Yeas 58; Nays 26.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Ford, Goodwin, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McDowell, Marietta, Martin, Melton, Moore, Newman, Nicholson, Parker, Perdue, Pratt, Rains, Rice, Rogers, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Warren, White (F), and Zoghby.

—58

Nays:

Reps.: Adams, Bachus, Beers, Blakeney, Brooks, Cosby, Fuller, Gaston, Grouby, Hall, Hammett, Harper, Hooper, Kvalheim, McKee, McMillian, Mikell, Payne, Penry, Poole, Richardson, Rogers, Seibels, Smith, Starr, Venable and White (G).

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AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, H. 231 as amended:

Amend House Bill 231 as substituted in Section 6 on page 53 by deleting Section 6 (B) and 6 (C) in their entirety.

Further amend House Bill 231 as substituted in Section 5 on page 50 by deleting Section A in its entirety and renumbering according.

Further amend House Bill 231 as substituted in Section 6 (A) on page 51 by deleting line 18 in its entirety and renumbering accordingly.

Further amend House Bill 231 as substituted in Section 6 (A) on page 51 lines 14, 26, and 27 by deleting the figure "26,000,000" and inserting in lieu thereof the figure "7,000,000".

Further amend House Bill 231 as substituted in Section 3 by deleting pages 11 through 19 in their entirety and inserting in lieu thereof the following:

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(l) Disability Determination for Social Security Program	19,072,394
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SOURCE OF FUNDS:

(1) Federal and Local Funds	19,072,394
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Total Disability Determination for Social Security Program	19,072,394	19,072,394
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TOTAL DEPARTMENT OF
EDUCATION:

SOURCE OF FUNDS:

(1) ASETF	36,296,342
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(2) Federal and Local Funds	253,868,470
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GRAND TOTAL DEPARTMENT OF EDUCATION	36,296,342	253,868,470	290,164,812
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7. EDUCATION, STATE BOARD OF
— MINIMUM PROGRAM AND
PUBLIC SCHOOL FUND:

(a) Financial Assistance Program	572,388,025
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SOURCE OF FUNDS:

(1) ASETF	530,011,540
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(2) Public School Fund	37,700,000
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(3) Local Funds	4,676,485
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Total Minimum Program, Public School Fund and Local Funds	530,011,540	42,376,485	572,388,025
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The above appropriation shall
be paid in accordance with
Code of Alabama 1975,
Sections 16-13-50 through 16-
13-59, inclusive, as amended
and all other legislation
pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1984-85 is based on 22,778 teacher units. It is provided in the event that there are more than 22,778 earned teacher units for the fiscal year 1984-85, then such amounts necessary to pay for those excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above, then the amount that would have been necessary to pay for those earned teacher units shall not be allotted or paid.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$435,526,315. The State board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$20,970	2,987	\$ 62,637,390
I	19,635	13,607	267,173,445
II	17,095	6,184	105,715,480
III	14,393	0	0
IV	12,500	0	0
		<u>22,778</u>	<u>\$435,526,315</u>

For "Principal Supplement" an amount not to exceed the total of \$2,277,800.

For "Other Current Expenses" an amount not to exceed \$3,443,89 for each earned teacher unit but the total shall not exceed the sum of \$78,444,926. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$1,477,609.

The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$54,511,375.

8. EDUCATION, STATE BOARD OF
— LOCAL BOARDS:

(a) Financial Assistance Program . 305,440,257

SOURCE OF FUNDS:

(1) ASETF 305,440,257

Total State Board of Education—Local Boards	305,440,257	305,440,257
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To be distributed by the State
Board of Education for:

(a) Teachers' Sick
Leave 3,500,000
Of the appropriation herein-
above made for Teachers' Sick
Leave, the rate of not more

than \$17 per day is hereby appropriated.

- (b) Support Personnel Sick
Leave 1,431,781

Of the appropriation hereinabove made for support personnel sick leave in accordance with Code of Alabama 1975, Section 16-1-18, as amended, the rate of not more than \$17 per day is hereby appropriated.

- (c) Teachers' Personal
Leave 957,707

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ECIA Chapter 1 and 2 teachers).

- (d) Funds to Replace
Fees 10,597,125

Of the appropriation hereinabove made for Funds to Replace Fees, there is hereby appropriated two hundred seventy-five dollars (\$275) per teacher unit for grades K-12 for all teachers employed (except ECIA Chapter 1 and 2 teachers).

- (e) Maintenance 5,968,104

- (f) Continuation of funds previously granted for Special Education 24,525,489

- (g) Special Schools for Special Education 2,153,000

To be distributed by the State Board of Education as follows: \$350,000 shall be allocated to the Tuscaloosa Regional Handicapped School; \$350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$250,000 shall be allocated to the Vivian B. Adams

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School; \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama; \$25,000 shall be allocated to the Hope Haven School in Colbert County; \$25,000 shall be allocated to the Jasper Shriner School; \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$25,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama; \$25,000 shall be allocated to Project Independence in Coffee County, Alabama; \$50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$43,000 to Auburn University Preschool for Multi-handicapped Children; \$75,000 to the Alice Pilgrim School; \$75,000 to the Montgomery County Board of Education for the purpose of establishing a pilot program for deaf students in public schools: \$300,000 shall be allocated to the McInnis School in Montgomery, Alabama; \$50,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$30,000 shall be allocated to the Geneva County Day Care and Training Center; \$120,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$30,000 shall be allocated to the Houston County Board of Education for a pilot program for gifted children; \$75,000 shall be allocated to the Cleveland School for the Handicapped; \$35,000 shall be

allocated to the South Talladega County Association for Retarded Citizens, Inc.; \$15,000 shall be allocated to the ECHO FOUNDATION; \$145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Code of Alabama 1975, Sections 16-39-3, as amended, and P.L. 94-142.

- (h) Kindergarten teacher units 51,376,818

The above appropriation is for 2,300 teacher units and includes salaries, other current expense, and capital improvements at the following rates.

For "Salaries" the sum shall not exceed a total of \$43,306,670. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$20,970	162	\$ 3,397,140
I	19,635	1,323	25,977,105
II	17,095	<u>815</u>	<u>19,932,425</u>
		2,300	\$43,306,670

For "Other Current Expense" an amount not to exceed \$3,443.89 for each earned teacher unit but the total shall not exceed the sum of \$7,920,947. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$149,201.

Of the above appropriation for Kindergarten Teacher Units, nine (9) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program. It is the intent of Legislature to fully fund a state-wide Kindergarten program at the ratio of 22 students in average daily attendance for the first four months to 1 teacher unit. In the event less than 2,300 teacher units are earned for the fiscal year 1984-85, then such amount shall not be allotted or paid.

- (i) Continuation of Teacher Units to reduce pupil-teacher ratio in grades 1-6 14,674,190

The above appropriation is for 650 teacher units and includes

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salaries, other current expenses, and capital improvements at the following rates.

For "Salaries" the sum shall not exceed \$12,393,495. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$20,970	83	\$ 1,740,510
I	19,635	378	7,422,030
II	17,095	<u>189</u>	<u>3,230,955</u>
		650	\$12,393,495

For "Other Current Expense" an amount not to exceed \$3,443.89 for each earned teacher unit but the total shall not exceed the sum of \$2,238,529. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,144.

- (j) Supportive Teacher
Units 38,762,953

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen (15) units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (h), and Continuation Teacher Units in (i). The above appropriation is for 1,715 teacher units and includes salaries, other current expense, and capital improvements at the following rates.

For "Salaries" the sum shall not exceed \$32,745,430. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$20,970	231	\$ 4,844,070
I	19,635	997	19,576,095
II	17,095	<u>487</u>	<u>8,325,265</u>
		1,715	\$32,745,430

For "Other Current Expense" an amount not to exceed \$3,443.89 for each earned teacher unit but the total shall not exceed the sum of \$5,906,271. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$111,252.

(k) Special Education Teacher
Units 74,957,091

The above appropriation is for
3,250 teacher units and in-
cludes salaries, other current
expense, capital improvements
and transportation at the fol-
lowing rates:

For "Salaries" the sum shall not exceed \$62,705.620. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$20,970	302	\$ 6,332,940
I	19,635	2,353	46,201,155
II	17,095	<u>595</u>	<u>10,171,525</u>
		3,250	\$62,705.620

For "Other Current Expense" an amount not to exceed \$3,443.89 for each earned teacher unit but the total shall not exceed the sum of \$11,192,643. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$848,000.

(l) Driver Education Teacher
Units 6,613,375

The above appropriation is for
290 driver education teacher
units or other teacher units as
approved by the local Board of
Education and includes sala-
ries, other current expense, and
capital improvements at the
following rates:

For "Salaries" the sum shall not exceed \$5,595,835. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$20,970	31	\$ 650,070
I	19,635	204	4,005,540
II	17,095	55	940,225
		290	\$5,595,835

For "Other Current Expense" an amount not to exceed \$3,443.89 for each earned teacher unit but the total shall not exceed the sum of \$998,728. The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$18,812.

(m) Vocational
Education 70,976,706

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the \$70,976,706, the sum of \$1,344,187 shall be allocated for handicapped students in Vocational Education.

(n) Youth Services Department
District 1,310,057

The above appropriation shall be expended by the Youth Services Department District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, Sections 44-1-70 through 44-1-77, inclusive, as amended.

Further amend H. B. 231 as substituted in Section 3 (A) (9) on page 20 on lines 7 and 15 by deleting the figure "94,564,848" and inserting in lieu thereof the figure "92,613,440".

Further amend H. B. 231 as substituted on page 20 lines 9 and 15 by deleting the figure "52,741,993" and inserting in lieu thereof the figure "50,790,585".

Further amend H. B. 231 as substituted in Section 3 (A) (10) on page 21 lines 26 and 34 by deleting the figure "68,082,790" and inserting in lieu thereof the figure "66,604,762".

Further amend the substitute to H. B. 231 on page 21 lines 28 and 34 by deleting the figure "43,759,778" and inserting in lieu thereof the figure "42,281,750".

Further amend the substitute to H. B. 231 in Section 6 (A) on page 52 by deleting lines 27 and 28 in their entirety.

Further amend the substitute to H. B. 231 on page 52 lines 33 and 34

by deleting the figure "5,000,000" and inserting in lieu thereof the figure "3,000,000".

Further amend the substitute to H. B. 231 in Section 6 (A) on page 52 by deleting subsection 5 in its entirety.

Further amend the substitute to H. B. 231 in Section 6 (A) on page 52 by deleting subsection 3 in its entirety.

Further amend the substitute to H. B. 231 in Section 3 (A) (8) on page 19 after line 24 by adding the following:

"(o) Reduce the Pupil-Teacher Ratio 92,536,052

It is the intent of the Legislature that the above appropriation shall be used to reduce the pupil-teacher ratio to 18 to 1 in grades K-3. It is further provided that any new teachers employed as a result of reducing the pupil-teacher ratio shall be employed as classroom teachers.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Cosby to the bill, H. 231 as amended, was tabled.

Yeas 65; Nays 15.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Blake, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carter, Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Hall, Harvey, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McNair, Martin, Melton, Moore, Newman, Nicholson, Parker, Perdue, Rains, Rogers, Smith, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Warren, White (F), and Zoghby.

—65

Nays:

Reps.: Bachus, Brooks, Cosby, Harper, Hooper, McKee, McMillian, Mathis, Payne, Penry, Poole, Richardson, Sasser, Venable and White (G).

—15

AMENDMENT OFFERED

Rep. Adams offered the following amendment to the bill, H. 231 as amended:

Amend House Bill 231 as substituted on page 50 by deleting lines 6 through 23 in their entirety and inserting in lieu thereof the following:

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- "1. Governor's Education Reform Commission 5,000,000

The Commission is authorized to grant awards based on written proposals submitted to the commission by any state university that has a School of Education. The proposal shall be based on a cooperative effort within the University among the Schools of Education, Business, Math and Sciences, Computer Sciences, and/or others. The proposal shall outline a program to assist local boards of education in improving the administrative and instructional programs. The Commission shall require follow-up evaluations of the proposals to ascertain the success of the program in the local system. These evaluations will include the recommendations made to the local system by the University team, any implementations of those recommendations by the local system, and quantitative and qualitative results. A report of such findings shall be submitted to the Governor and the Legislature by the Commission.

2. State Board of Education 1,700,000

Capital outlay for libraries to be distributed on a per student basis.

3. State Board of Education 3,000,000

To be distributed to the local boards of education on the basis of each systems portion of the total number of teacher units provided by the State in the Minimum Program, Kindergarten, Teacher Units to Reduce Pupil-Teacher Ratio, Supportive Teacher Units, Special Education Teacher Units, and Driver Education Teacher Units to provide a duty-free lunch period for all teachers.

4. Governor's Educational Reform Commission 5,109,140

The Commission shall distribute said funds to the local boards of education based upon a system-wide proposal for a remedial summer school program. Said proposals shall be based upon a cooperative effort within the school system and, when possible, among school systems.

The Commission shall require a follow-up evaluation of the program.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Adams to the bill, H. 231 as amended, was tabled.

Yeas 50; Nays 31.

Yeas:

Mr. Speaker, Biddle, Black, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Escott, Ford, Goodwin, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, McDowell, McNair, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Rogers, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Warren, and White (L).

—50

Nays:

Reps.: Adams, Bachus, Beers, Brooks, Carothers, Cosby, Flowers, Gaston, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillian, Mathis, Mikell, Payne, Penry, Poole, Preuitt, Rains, Rice, Sasser, Starr, Turnham, Venable, White (G), and Zoghby.

—31

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 122. To amend Section 16-35-1, Code of Alabama, 1975, so as to provide for the qualifications and number of the members of the State Courses of Study Committee.

McDOWELL LEE,
Secretary.

H. 231 RESUMED

AMENDMENT OFFERED

Rep. Adams offered the following amendment #2 to the bill, H. 231 as amended:

Amend House Bill 231 as substituted on page 52, lines 15, 22, and 24 by deleting the figure "2,826,798" and inserting in lieu thereof the figure "250,000".

Further amend House Bill 231 as substituted on page 52, lines 16 and 17 by deleting those lines in their entirety.

Further amend House bill 231 as substituted on page 52, line 18 by deleting "(b)" and inserting in lieu thereof "(a)".

Further amend House Bill 231 as substituted on page 52 by deleting lines 25 through 34 in their entirety.

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Further amend House Bill 231 as substituted on page 52 line 25 by inserting the following:

"4. State Board of Education		4,6000,000
(a) Capital Outlay for libraries	1,600,000	
To be distributed on a per student basis.		
(b) Textbooks	1,000,000	
(c) Capital outlay for instructional classroom equipment.....	2,000,000	

SOURCE OF FUNDS:

(1) ASETF	4,600,000	
Total State Board of Education	4,600,000	4,600,000

4A. Governor's Education Reform Commissions-Gifted Program	2,976,798
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The Commission shall distribute said funds to the local boards of education based upon a system-wide proposal for a summer school program for gifted students. Said proposals shall be based upon a cooperative effort within the school system and, when possible, among school systems. The Commission shall require a follow-up evaluation of this program.

SOURCE OF FUNDS:

(1) ASETF	2,976,798	
Total Governor's Educational Reform Commission-Gifted Program	2,976,798	2,976,798"

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #2 offered by Rep. Adams to the bill, H. 231 as amended, was tabled.

Yeas 56; Nays 29.

Yeas:

Mr. Speaker, Albright, Biddle, Blake, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (John), Campbell, Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Ford, Goodwin, Grouby, Harvey, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, McDowell, McNair, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Pratt, Rains, Rogers,

Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Warren, and White (L).

—56

Nays:

Reps.: Adams, Bachus, Beers, Brooks, Clark (D), Cosby, Faulk, Flowers, Fuller, Gaston, Hammett, Harper, Kvalheim, Laird, McKee, McMillian, Mathis, Mikell, Payne, Penry, Poole, Preuitt, Richardson, Sasser, Smith, Starr, Venable, White (G), and Zoghby.

—29

AMENDMENT OFFERED

Rep. Adams offered the following amendment #3 to the bill, H, 231 as amended:

Amend House Bill 231 as substituted on page 52, lines 15, 22, and 24 by deleting the figure "2,826,798" and inserting in lieu thereof the figure "250,000".

Further amend House Bill 231 as substituted on page 52, lines 16 and 17 by deleting those lines in their entirety.

Further amend House Bill 231 as substituted on page 52, line 18 by deleting "(b)" and inserting in lieu thereof "(a)".

Further amend House Bill 231 as substituted on page 52 by deleting lines 25 through 34 in their entirety.

Further amend House Bill 231 as substituted on page 52 line 25 by inserting the following:

"4. State Board of Education		7,576,798
(a) Textbooks	1,700,000	
(b) Capital Outlay for libraries	2,876,798	
To be distributed on a per student basis.		
(c) Teacher Aides	3,000,000	
To provide a duty-free lunch period for classroom teachers.		
SOURCE OF FUNDS:		
(1) ASETF	7,576,798	
Total State Board of Education	7,576,798	7,576,798"

AMENDMENT TABLED

On motion of Re. Coburn, the amendment #3 offered by Rep. Adams to the bill, H. 231 as amended, was tabled.

Yeas 55; Nays 30.

Yeas:

Mr. Speaker, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Coburn, Coleman, Crow, Davis,

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Escott, Ford, Goodwin, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Lauderdale, McNair, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Pratt, Rains, Rogers, Smith, Spratt, Tanner, Thomas, Trammell, Turner, Turnham, Warren, and Zoghby.

—55

Nays:

Reps.: Bachus, Beers, Brooks, Clark (D), Cosby, Dutton, Fuller, Gaston, Grayson, Hammett, Harper, Hooper, Junkins, Kvalheim, McDowell, McKee, McMillian, Mikell, Payne, Penry, Poole, Rice, Richardson, Sasser, Seibels, Starkey, Starr, Venable, White (G), and White (L).

—30

AMENDMENT OFFERED

Rep. Adams offered the following amendment #4 to the bill, H. 231 as amended:

Amend House Bill 231 as substituted on page 50 by deleting lines 6 through 23 in their entirety and inserting in lieu thereof the following:

- “1. State Board of Education 5,000,000
The Board is authorized to grant awards based on written proposals submitted to the commission by any state university that has a School of Education. The proposal shall be based on a cooperative effort within the University among the Schools of Education, Business, Math and Sciences, Computer Sciences, and/or others. The proposal shall outline a program to assist local boards of education in improving the administrative and instructional programs. The Commission shall require follow-up evaluations of the proposals to ascertain the success of the program in the local system. These evaluations will include the recommendations made to the local system by the University team, any implementations of those recommendations by the local system, and quantitative and qualitative results. A report of such findings shall be submitted to the Governor and the Legislature by the Commission.
2. State Board of Education 1,700,000
Capital Outlay for libraries to be disbursed on a per student basis.
3. State Board of Education 3,000,000
To be distributed to the local boards of education on the basis of each systems

portion of the total number of teacher units provided by the State in the Minimum Program, Kindergarten, Teacher Units to Reduce Pupil-Teacher Ratio, Supportive Teacher Units, Special Education Teacher Units, and Driver Education Teacher Units to provide a duty-free lunch period for all teachers.

4. State Board of Education 5,109,140

The Board shall distribute said funds to the local boards of education based upon a system-wide proposal for a remedial summer school program. Said proposals shall be based upon a cooperative effort within the school system and, when possible, among school systems. The Commission shall require a follow-up evaluation of the program.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #4 offered by Rep. Adams to the bill, H. 231 as amended, was tabled.

Yeas 56; Nays 25.

Yeas:

Mr. Speaker, Albright, Bachus, Biddle, Blake, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Ford, Goodwin, Hall, Harvey, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McNair, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Pratt, Rains, Rogers, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren, White (F), and Zoghby.

—56

Nays:

Reps.: Adams, Brooks, Cosby, Faulk, Fuller, Gaston, Grayson, Hammett, Harper, Hettinger, Hooper, Kvalheim, McDowell, McKee, McMillian, Mikell, Payne, Penry, Poole, Rice, Richardson, Sasser, Starr, Venable, and White (L).

—25

AMENDMENT OFFERED

Rep. Grouby offered the following amendment to the bill, H. 231 as amended:

Amend House Bill 231 as substituted on page 13, after line 19 by inserting the following sentence:

In addition there is hereby appropriated \$963,375 to be conditioned on the availability of funds and the approval of the Governor.

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AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Grouby to the bill, H. 231 as amended, was tabled.

Yeas 43; Nays 21.

Yeas:

Mr. Speaker, Biddle, Blake, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Ford, Harvey, Holley, Johnson (Roy), Junkins, Kennedy, Lauderdale, Martin, Mathis, Mitchell, Moore, Newman, Parker, Perdue, Smith, Starkey, Tanner, Trammell, Turner, Warren, White (F), and Zoghby.

—43

Nays:

Reps.: Blakeney, Brooks, Carter, Cosby, Faulk, Fuller, Gaston, Grouby, Hall, Harper, Hooper, Kvalheim, McKee, McMillian, Mikell, Onderdonk, Penry, Rains, Rice, Venable, and White (G).

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 220. MOURNING THE DEATH OF MR. MARSHEL JOHNSON, JUNIOR, OF JASPER, ALABAMA.

Also:

H. J. R. 221. COMMENDING DILWORTH COMMUNITY ON GROUNDBREAKING OF NEW CENTER.

Also:

H. J. R. 222. COMMENDING COACH VAN DEERMAN ON HIS OUTSTANDING CAREER AS COACH AND EDUCATOR AT JACKSONVILLE HIGH SCHOOL.

Also:

H. J. R. 223. COMMENDING JACKSONVILLE STATE UNIVERSITY WOMEN'S AND MEN'S GYMNASTICS TEAM.

Also:

H. J. R. 224. COMMENDING HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLER TIM MINOR.

Also:

H. J. R. 225. COMMENDING THE HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLING TEAM.

Also:

H. J. R. 226. DESIGNATING JUNE 4-9, 1984, AS "ALABAMA WEEK" IN THE STATE OF ALABAMA.

Also:

H. J. R. 227. COMMENDING RHUBARD JONES OF MONTGOMERY, ALABAMA, NATIONAL DISC JOCKEY OF THE YEAR.

Also:

H. J. R. 233. COMMENDING MR. AND MRS. CHRISTOPHER McARDLE OF THEODORE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 234. COMMENDING UAB BLAZER STEVE MITCHELL.

Also:

H. J. R. 235. COMMENDING UAB BLAZER, ANTHONY GORDON.

Also:

H. J. R. 236. COMMENDING UAB BLAZER, McKINLEY SINGLETON.

Also:

H. J. R. 237. DESIGNATING MAY 5, 1984, AS "RAZZY BAILEY DAY" IN ALABAMA.

Also:

H. J. R. 244. COMMENDING MR. AND MRS. GEORGE HARRIS AND THE HARRIS HOME ON THE 30TH ANNIVERSARY OF THE INSTITUTION'S ESTABLISHMENT.

Also:

H. J. R. 245. MOURNING THE DEATH OF JUDGE ROY MARSHALL OF JASPER, ALABAMA.

Also:

H. J. R. 249. WISHING MR. JAMES J. CAMPBELL A SPEEDY RECOVERY.

Also:

H. J. R. 250. COMMENDING AND CONGRATULATING THE DADEVILLE, ALABAMA, KIWANIS CLUB ON THE OCCASION OF ITS 50TH ANNIVERSARY.

Also:

H. J. R. 251. MOURNING THE DEATH OF MR. ISAAC JUDSON SCOTT OF OPELIKA, ALABAMA.

Also:

H. J. R. 258. COMMENDING REGINA STANFORD FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 259. COMMENDING MISS PAIGE FERNIE REYNOLDS OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 122. To amend Section 16-35-1, Code of Alabama, 1975, so as to provide for the qualifications and number of the members of the State Courses of Study Committee.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 134. Relating to contractors; to require out-of-state contractors to register and file either a deposit or surety bond as well as a list of personal property involved in a construction project in Alabama upon which use and ad valorem taxes are due and payable; to provide for the payment of such taxes; and to provide for the return of the deposit or surety bond posted.

Also:

S. 135. Relating to contracts and contractors; to give preference to resident contractors who bid on public work projects except where federal funds are involved.

Also:

S. 223. To repeal Sections 4-2-30, 4-2-31, 4-2-32, 4-2-35, 4-2-35.1 and

4-2-36 of the Code of Alabama 1975, relating to the creation, composition, appointment and function of the Alabama department of aeronautics and the Alabama aeronautics commission, and the powers, duties, qualifications and functions of the director of aeronautics and the assistant director of aeronautics; so as to abolish the Alabama department of aeronautics and the Alabama aeronautics commission and to transfer all duties, powers, responsibilities, authorities and functions thereof to the state highway department; and to establish an aeronautics division of the state highway department; and to create the aeronautics division of the state highway department; and to create the aeronautics board to serve in an advisory capacity to the aeronautics division of the state highway department, and to supervise and authorize all real estate transactions, whether conveyance, lease, or otherwise and to supervise all funds, monies and investments of the aeronautics division of the state highway department, and provide for the appointment, duties and compensation of the board members; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

H. 231 RESUMED

AMENDMENT OFFERED

Rep. Poole offered the following amendment to the bill, H. 231 as amended:

Amend the Substitute to H. B. 231 on page 50 by deleting lines 4 through 26 in their entirety and renumbering the following sections appropriately.

Further amend the Substitute to H. B. 231 on page 52 by deleting lines 4 through 34 in their entirety and renumbering the subsections accordingly.

Further amend the Substitute to H. B. 231 on page 19 after line 24 by adding the following:

8A State Board of Education

Local Boards 22,635,938

The Above appropriation is to be distributed to the local boards of education by the State Board of Education on a per student basis.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Poole to the bill, H. 231 as amended, was tabled.

Yeas 58; Nays 17.

Yeas:

Mr. Speaker, Biddle, Blake, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Ford, Goodwin, Gray, Grouby, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McNair, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Rains, Rice, Rogers, Smith, Spratt, Tanner, Thomas, Trammell, Turner, Warren, and Zoghby.

—58

Nays:

Reps.: Adams, Brooks, Cosby, Gaston, Hammett, Harper, Hooper, Kvalheim, McDowell, McKee, McMillian, Mikell, Poole, Sasser, Starr, Venable and White (G).

—17

AMENDMENT OFFERED

Rep. Poole offered the following amendment #2 to the bill, H. 231 as amended:

Amend H. 231 as Substituted, page 52, line 26, by striking the figure “3,000,000” and inserting in lieu thereof “1,500,000” and on lines 33 and 34 by striking the figure “5,000,000” and inserting in lieu thereof “3,500,000”

Further amend the bill, page 51, line 20, by striking the figure “5,000,000” and inserting in lieu thereof the figure “6,500,000” and on lines 26 and 27 be deleting the figure “26,000,000” and inserting in lieu thereof “27,500,000”.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #2 offered by Rep. Poole to the bill, H. 231 as amended, was tabled.

Yeas 52; Nays 25.

Yeas:

Mr. Speaker, Biddle, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Ford, Fuller, Goodwin, Gray, Grouby, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, McNair, Martin, Mitchell, Moore, Parker, Penry, Perdue, Pratt, Rains, Rogers, Spratt, Tanner, Thomas, Trammell, Turner, Warren, White (L) and Zoghby.

—52

Nays:

Reps.: Adams, Britnell, Brooks, Butler, Carter, Cosby, Flowers, Gaston, Hammett, Harper, Hooper, Kvalheim, Laird, McDowell, McKee, McMillian, Mathis, Mikell, Poole, Preuitt, Rice, Sasser, Starr, Venable, and, White (G).

—25

AMENDMENT OFFERED

Rep. Poole offered the following amendment #3 to the bill, H. 231 as amended:

Amend the Substitute to H. B. 231 on page 49 after line 15 adding a new section 4A as follows:

"Section 4A

Additional appropriations

1. Telephone revolving fund	300,000
2. Post-secondary administration	200,000
3. Department of Education — Career Education	50,000
4. Teacher's personal leave	387,933
5. Teacher's personal leave	16,702
6. Alabama Commission on Higher Education	200,000
7. Department of Public Health	500,000
8. State Board of Education for school buses	1,000,000
9. Education, State Board of Local Boards:	
(a) Support personnel sick leave ..	481,081
10. Social Security	4,441,082
Source of Funds:	
(1) ASETF	<u>7,576,798</u>
Total Additional Appropriations	<u>7,756,798"</u>

Further amend H. B. 231 as substituted on page 52, by deleting lines 14 through 34 in their entirety.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #3 offered by Rep. Poole to the bill, H. 231 as amended, was tabled.

Yeas 54; Nays 18.

Yeas:

Mr. Speaker, Black, Blake, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Ford, Fuller, Goodwin, Gray, Hall, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Lauderdale, Martin, Mitchell, Moore, Newman, Parker, Penry, Perdue, Pratt, Rains, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Warren, White (F), and White (L).

Nays:

Reps.: Adams, Brooks, Gaston, Hammett, Harper, Hooper, Kvalheim, McKee, McMillian, McNair, Mathis, Mikell, Poole, Rice, Sasser, Starr, Venable and White (G).

—18

AMENDMENT OFFERED

Rep. Poole offered the following amendment #4 to the bill, H. 231 as amended:

Amend H. 231 as Substituted, page 52, on line 14, by striking 2,826,798 and substituting in lieu thereof 250,000 and on lines 22 and 24 by striking 2,826,798 and inserting in lieu thereof 250,000.

Further amend the bill, on page 50, line 6 and lines 25 and 26 by striking 14,800,140 and inserting in lieu thereof 17,635,938.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #4 offered by Rep. Poole to the bill, H. 231 as amended, was tabled.

Yeas 55; Nays 15.

Yeas:

Mr. Speaker, Biddle, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Ford, Fuller, Goodwin, Grouby, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, McNair, Martin, Mitchell, Moore, Newman, Parker, Penry, Perdue, Pratt, Rains, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—55

Nays:

Reps.: Brooks, Cosby, Gaston, Gray, Harper, Hooper, Kvalheim, McDowell, McMillian, Mikell, Poole, Rice, Sasser, Starr and White (G).

—15

Amendment Offered

Rep. Hammett offered the following amendment to the bill, H. 231 as amended:

Amend H. B. 231, Section 15, Page 25, line 27 by adding after the word week the following: There is also appropriated a sufficient sum to provide retired teachers health insurance at the same level as active teachers.

Further amend H. B. 231, line 28 and line 31 by striking the figure 28,765,866 and adding in lieu thereof the figure 33,795,866

MOTION TO TABLE LOST

The motion offered by Rep. Coburn to table the amendment offered by Rep. Hammett to the bill, H. 231 as amended, was lost.

Yeas 21, Nays 69.

Yeas:

Mr. Speaker, Biddle, Bowling, Box, Brakefield, Clark (J), Clark (W), Coburn, Davis, Ford, Harvey, Johnson (Roy), Junkins, Kennedy, Mitchell, Nicholson, Perdue, Rogers, Trammell, Turner, and White (G).

—21

Nays:

Reps.: Adams, Black, Blake, Blakeney, Boles, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillian, McNair, Martin, Mathis, Melton, Mikell, Newman, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—69

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Hammett to the bill H. 231 as amended, and the amendment was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillian, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—96

AMENDMENT OFFERED

Rep. Laird offered the following amendment to the bill, H. 231 as amended:

Amend H. 231 as Substituted on page 59, add item 5 on line 36 Small Business Procurement System \$150,000

And on page 52, line 20 by striking 250,000 and inserting in lieu thereof 100,000

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Campbell, Carter, Clark (D), Clark (W), Coburn, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillian, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—86

AMENDMENT OFFERED

Rep. Coburn offered the following amendment #2 to the bill, H. 231 as amended:

Amend House Bill 231 as Substituted on page 52, by deleting lines 35-38 in their entirety. Further amend H. B. 231 as Substituted on page 53 by deleting lines 6-17 in their entirety.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillian, McNair, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—95

AMENDMENT OFFERED

Rep. Coburn offered the following amendment #3 to the bill, H. 231 as amended:

Amend H. B. 231 on page 52, lines 15, 22 and 24 by deleting “2,826,798”. and inserting in lieu thereof the figure “2,676,798”.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—95

And the bill, H. 231 as amended, was read a third time at length and passed.

Yeas 89; Nays 13.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—89

Nays:

Reps.: Bachus, Brooks, Cosby, Hammett, Harper, Hooper, McKee, McMillan, Mikell, Poole, Sasser, Starr and White (G).

—13

MOTION TO SUSPEND RULES ADOPTED

On Motion of Rep. Coburn, the rules were suspended in order to transmit the bill, H. 231 as amended, to the Senate.

Yeas 84; Nays 18.

Yeas:

Mr. Speaker, Albright, Beers, Biddle, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue,

Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Warren, White (F), White (L) and Zoghby.

—84

Nays:

Reps.: Adams, Bachus, Brooks, Cosby, Gaston, Hammett, Harper, Hooper, Kvalheim, McKee, McMillian, Mikell, Penry, Poole, Sasser, Starr, Venable and White (G).

—18

And the bill:

H. 715. To make appropriations for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1985.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillian, McNair, Marietta, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—92

And the bill:

H. 623. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1985.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillian, McNair, Marietta, Martin, Mathis, Melton, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr,

Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—92

And the bill:

H. 351. To make appropriations for the support and maintenance of the Lynn Ward Military Academy for the fiscal year ending September 30, 1985.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillian, McNair, Marietta, Martin, Mathis, Melton, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—91

And the bill:

H. 360. To make appropriations for the support and maintenance of the Tuskegee Institute for the fiscal year ending September 30, 1985.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillian, McNair, Marietta, Martin, Mathis, Melton, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—94

And the bill:

H. 450. To make appropriations for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1985.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillian, McNair, Marietta, Mathis, Melton, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—94

And the bill:

H. 439. (With Substitute) (With Amendment): To provide a fourteen percent, or other percent as provided herein, cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1985.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To provide a fifteen percent or other cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1985.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative intent. It is the intent of the legislature to provide a fifteen percent salary or other cost-of-living increase in the salary paid to the education personnel and on the basis enumerated in Section 2 of this Act. By this Act the legislature directs that the aforesaid fifteen percent or other cost-of-living increase for fiscal year 1984-85 to be paid from the fund from which the institution or system receives its appropriation for the fiscal year 1984-85 is to be paid from the fund from which the institution or system receives its appropriation for the fiscal year ending September 30, 1985. It is not the intent of this Act to appropriate additional monies for this purpose.

Section 2. The state budget officer shall allocate to the State Board of Education, the Board of Trustees of the Alabama Institute for Deaf and Blind, and the Board of Directors of the Department of Youth Services for disbursement to the appropriate educational systems and institutions the funds necessary to grant a fifteen percent cost-of-living increase based on the following:

(a) Fifteen percent of the state salary allocation payable during the 1983-84 fiscal year to teacher units funded by the Alabama Special Educa-

tional Trust Fund for all elementary/secondary programs (including vocational education). The 15 percent increase on the state allotment shall be paid to each teacher in addition to all local salary increments due, based upon the local 1983-84 salary schedule.

(b) Fifteen percent of the salaries paid in 1983-84 to teachers employed at Alabama Institute for Deaf and Blind and Department of Youth Services, plus any local increment due.

(c) Fifteen percent of the salary payable during the 1983-84 fiscal year to all bus drivers, and all other support personnel in the elementary/secondary systems, two year colleges, and Alabama Institute for Deaf and Blind, plus any local increment due.

(d) It is the intent of the Legislature that the State Board of Education and all local boards of education shall provide all teaching and full-time support personnel, including adult bus drivers, employed at K-12 levels and at the two year colleges, at least a 15 percent cost-of-living raise for 1984-85 above their 1983-84 salary.

(e) The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just exclusively from funds generated by lunchroom sales.

Section 3. The salary and cost-of-living increases provided in this Act shall be exclusive of all local increments due.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 91; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

Nay: Rep. Brooks

—1

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 439 as Substituted in Section 2, page 2, after line 36 by adding the following sub-section:

(f) It is the intent of the Legislature that the State Board of Education grant a fifteen percent increase in the salary payable during the 1983-84 fiscal year to all full-time personnel in adult basic education.

And the amendment was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—94

SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the bill, H. 439 as amended:

A BILL TO BE ENTITLED AN ACT

To provide a cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1985.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative intent. It is the intent of the legislature to provide a cost-of-living increase in the salary paid to the education personnel and on the basis enumerated in Section 2 of this Act. By this Act the legislature directs that the aforesaid cost-of-living increase be paid from the fund from which the institution or system receives its appropriation for the fiscal year ending September 30, 1985. It is not the intent of this Act to appropriate additional monies for this purpose.

Section 2. The state budget officer shall allocate to the State Board of Education, the Board of Trustees of the Alabama Institute for Deaf and Blind, and the Board of Directors of the Department of Youth Services for disbursement to the appropriate educational systems and institutions the funds necessary to grant a cost-of-living increase based on the following:

(a) The State Budget Officer shall certify a base cost-of-living for teachers that have been employed from 0 to 3 years. Teachers that have been employed from 3 to 5 years shall receive \$200 in addition to the base in-

crease. Teachers that have been employed from 5 to 10 years shall receive \$700 in addition to the base increase. Teachers that have been employed from 10 to 15 years shall receive \$1,200 in addition to the base increase. Teachers that have been employed from 15 to 20 years shall receive \$1,700 in addition to the base increase and teachers that have been employed 20 years and over shall receive \$1,900 in addition to the base increase. The State Budget Officer shall determine the base salary increase based on available salary increase included in the educational appropriation bill for teachers.

(b) It is the intent of the Legislature that the State Board of Education and all local boards of education shall provide all teaching and full-time support personnel, including adult bus drivers, employed at K-12 levels and at the two year colleges, at least a 15 percent cost-of-living raise for 1984-85 above their 1983-84 salary based on funds included in the educational appropriation bill for support personnel.

(c) The "Other Current Expense" amount shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. It is also the intent of the Legislature that all lunchrooms be fully funded by local school boards from these and any other local and/or state funds available and not just exclusively from funds generated by lunchroom sales.

(d) It is the intent of the Legislature that the State Board of Education grant a cost-of-living increase to all full-time personnel in adult basic education.

Section 3. The salary and cost-of-living increases provided in this Act shall be exclusive of all local increments due.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Coburn, the substitute offered by Rep. Harper to the bill, H. 439 as amended, was tabled.

Yeas 75; Nays 23.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Goodwin, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McNair, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Reed, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Warren, White (F), and Zoghby.

Nays:

Reps.: Adams, Bachus, Beers, Brooks, Cosby, Faulk, Gaston, Gray, Harper, Hettinger, Hooper, Kvalheim, McKee, McMillian, Marietta, Mikell, Payne, Rice, Richardson, Seibels, Venable, White (G), and White (L).

—23

And the bill:

H. 439. To provide a fifteen percent or other cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1985.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 102; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillian, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 281. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, April 24, 1984, we adjourn to meet again on Wednesday, April 25, 1984, at 1:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 281, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 542. To make an appropriation of certain Trust Income from the Alabama Heritage Income Account to Tuskegee Institute for capital outlay for the fiscal year ending September 30, 1984.

Was taken up.

AMENDMENT OFFERED

Rep. Boles offered the following amendment to the bill, H. 542:

Amend House Bill 542, Section 1, Page 1, Line 26, after the word "in-

stitutes" by adding the following: comma and the words all public two years post secondary schools and all public four year schools to be divided equally for capital outlay and other purposes

AMENDMENT TABLED

On motion of Rep. Reed, the amendment offered by Rep. Boles to the bill, H. 542, was tabled.

Yeas 54; Nays 17.

Yeas:

Mr. Speaker, Bachus, Black, Blake, Box, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Escott, Gaston, Grayson, Grouby, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillian, McNair, Marietta, Mathis, Melton, Onderdonk, Parker, Penry, Perdue, Poole, Rice, Richardson, Rogers, Spratt, Starkey, Thomas, Turner, Warren, White (F), and Zoghby.

—54

Nays:

Reps.: Boles, Brakefield, Campbell, Carothers, Carter, Ford, Gray, Hall, McKeel, Martin, Moore, Nicholson, Payne, Sasser, Seibels, Trammell and White (G).

—17

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Clark (D), Starkey, and Goodwin (With Notice and Proof):

H. 849. Relating to Lauderdale County; providing further for the compensation of the members of the board of registrars.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 849, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. White (F) (With Notice-and Proof):

H. 850. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Pollard in Escambia County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 850, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

REGULAR SESSION
21st Day

1369

By Rep. Flowers (With Notice and Proof):

H. 851. Relating to Pike County; prohibiting private agencies, private groups, private corporations, partnerships, private associations, individuals, and any and all other private entities from establishing, maintaining, or operating a correctional, rehabilitation, or juvenile detention facility in Pike County without first obtaining the approval of the county commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 851, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Fuller and Laird (With Notice and Proof):

H. 852. Relating to county health officers or administrators in Chambers County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 852, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Campbell:

H. 853. To amend Sections 15-12-20, 15-12-21, 15-12-22 and 15-12-24 of the Code of Alabama 1975, relating to defense of indigents, so as to provide further for representation of indigents; and to provide further for the compensation of counsel and reimbursement for expenses incurred; to authorize the state comptroller to withdraw certain amounts from the fair trial tax fund to cover the expenses of administering indigent defense; and to amend Section 12-19-252 of the Code of Alabama 1975, so as to further provide for annual appropriations from the fair trial tax fund to pay the withdrawals of the state comptroller.

Committee on Ways and Means.

By Rep. Penry:

H. 854. To authorize and provide for the promotion of the production, marketing, use and sale of wheat, corn, grain sorghum, and oats and wheat, corn, grain sorghum, and oats products by research, education, advertising and other methods; and prescribing a method whereby wheat, corn, grain sorghum, and oat producers may act jointly with handlers, buyers, processors, the State Board of Agriculture and Industries, and others, for a promotional program; providing that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments, the regulations, requirements and authority relative thereto; providing for nonassessments, or refund of assessments; prescribing duties of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect to a promotional program for the wheat, corn, grain sorghum, and oats producers of Alabama; and providing

for the administration thereof by a nonprofit association which is fairly and substantially representative of the producers of wheat, corn, grain, sorghum, and oats throughout the State; and providing for collection and distribution of assessments by dealers, handlers, and buyers of wheat, corn, grain sorghum, and oats; requiring an annual permit of such dealers, processors, and other buyers; and other administrative, enforcement, promotional, and penalty provisions.

Committee on Agriculture And
Forestry.

By Rep. McMillan (With Notice and Proof):

H. 855. Relating to Baldwin County, authorizing the county commission to appropriate money or equipment to certain duly organized, established and approved search and rescue squads or units.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 855, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Penry:

H. 856. To propose an amendment to the Constitution of 1901, authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of wheat and other feed grains as defined and authorized by the Legislature.

Committee on Agriculture And
Forestry.

The above bill was read a first time at length as required by the Constitution.

By Rep. Crow (With Notice and Proof):

H. 857. To alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford in Calhoun County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 857, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. McMillan (With Notice and Proof):

H. 858. Relating to Baldwin County; further providing that the county commission of Baldwin County is hereby authorized to appoint real estate agents or other persons in the real estate field to the Baldwin County Planning Commission, to provide that the real estate agents or persons in the real estate field shall not exceed 25 percent of the composition of the Baldwin County Planning Commission, and giving this act retroactive effect.

Committee on Local Legislation No. 1.

REGULAR SESSION
21st Day

1371

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 858, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. McMillan (With Notice and Proof):

H. 859. Relating to the twenty-eighth judicial circuit in Baldwin County; granting certain law enforcement authority to investigators of the district attorney's office and allowing court bailiffs and employees of the district attorney's office to attend grand jury sessions except when said jury is deliberating.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 859, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. McMillan (With Notice and Proof):

H. 860. Relating to Baldwin County; providing for a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; providing for filing by candidates for county revenue commissioner and an election therefor; and providing for its effectiveness.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 860, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Laird (With Notice and Proof):

H. 861. Relating to Randolph County; to provide for the mailing addresses of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 861, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Lindsey (With Notice and Proof):

H. 862. Relating to county health officers or administrators in Cleburne County; authorizing such persons to issue official death certificates; providing penalties for violation of this Act; and to provide that fees collected for certain services shall be accounted for and remitted to the

treasurer of the county board of health or like official for custody subject to disbursement in the interest of health services in the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 862, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Thomas (With Notice and Proof):

H. 863. To amend the Title and Section 4 of Act No. 80-572, S. 576 (Acts 1980, p. 885), said act relating to Lowndes County and the additional levy of tax on persons, firms and corporations selling and distributing or delivering malt or brewed beverages to retailers, so as to provide further for the administration of the Juvenile Services Trust Fund Account.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 863, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Boles, Reed, and Bugg:

H. 864. To extend the state employees' retirement system and any state employees' insurance plan to members and certain past members of the legislature, who for the purpose of coming within the provisions of these plans shall be considered "state employees"; providing that such legislators shall on a voluntary basis elect whether or not they choose to take part in the retirement system or insurance plan; and that the total compensation paid members of the Legislature including per diem, wages, fees, travel and expense allowances and all other forms of compensation shall, for the purposes of this act, be considered as salary for the purpose of making deductions or payment for the insurance and retirement plans.

Committee on Ways and Means.

By Reps. Hettinger and Albright (With Notice and Proof):

H. 865. Relating to Madison County; prescribing salaries, supplements and expense allowances for certain county officers.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 865, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Moore (With Notice and Proof):

H. 866. To amend Section 1 of Act No. 83-714, H. 916, of the 1983 Regular Session of the Legislature (Acts 1983, p. 1160), relating to licensing

of retailers of alcoholic beverages in Shelby County, Alabama, so as to provide further for such licensing.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 866, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Rains (With Notice and Proof):

H. 867. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 867, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Rains (With Notice and Proof):

H. 868. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 868, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Adams:

H. 869. This bill amends Section 40-18-35. 1(5), Code of Alabama 1975 by making permanent the deduction for corporate net operating losses.

Committee on Ways and Means.

By Rep. Zoghby (With Notice and Proof):

H. 870. Relating to Mobile County; providing that retired employees of the county health department shall be granted certain cost of living pension increases whenever retired state employees are granted such pension increases.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 870, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Dutton (With Notice and Proof):

H. 871. Relating to Lawrence County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Courtland to cause areas east of and contiguous to existing corporate limits to be included within the town.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 871, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Melton (With Notice and Proof):

H. 872. Relating to Tuscaloosa County; repealing Act No. 594, H. 917, Regular Session 1976 (Acts 1976, p. 808), which required municipalities to answer fire calls outside the corporate limits, but within the police jurisdiction of the municipalities.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 872, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Melton (With Notice and Proof):

H. 873. Relating to the City of Tuscaloosa, Tuscaloosa County, to provide for the election of the seven city board of education members, who shall qualify, run, reside in and be elected from districts created herein for such purposes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 873, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Melton (With Notice and Proof):

H. 874. Relating to the municipality of Tuscaloosa in Tuscaloosa County: to amend Section 8 of Act No. 491, S. 444, 1961 Regular Session (Acts 1961, p. 563), pertaining to the form of government in certain cities classified on a population basis, so as to provide for an increase in compensation of the chairman of the commission board and the associate commissioners.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 874, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Clark (J):

H. 875. To propose an amendment to the Constitution of Alabama 1901, relating to the eradiction or control of the boll weevil in cotton; allowing the Legislature, by general law, to provide for assessment to levies, financing, collection, distribution and expenditure of funds by a designated non-profit organization for the sole purpose of eradicating or controlling the boll weevil.

Committee on Agriculture and
Forestry.

The above bill was read a first time at length as required by the Constitution.

By Rep. Zoghby:

H. 876. To create the Alabama Youth Civilian Conservation Work Program Act; to provide for the commissioner of the department of conservation and natural resources to appoint the director and to prescribe their powers, authority, responsibilities and duties; to provide for the age and criteria of youth to be employed in the program and areas for civilian conservation centers for youth; to prescribe the compensation and manner of payment; to prescribe the fields of work within the department and its divisions; to limit the time of participation; to establish the Civilian Conservation Advisory Council and the appointment, duties, powers and compensation of the members; to authorize appointments to the council from the adjutant general, the commissioner of the department of conservation and natural resources, public safety, agriculture and industries, the state superintendent of education and the department of youth services, the governor, the lieutenant governor and the speaker of the house of representatives; to prescribe criminal penalties for the solicitation of funds or services in behalf of political candidates or otherwise abusing the trust of public office; to activate the provisions of the act upon the legislature making appropriations or upon federal grants or appropriations or upon federal grants or appropriations otherwise becoming available for such purposes.

Committee on State Administration.

By Rep. Buskey (John) (With Notice and Proof):

H. 877. Relating to Montgomery County; abolishing the positions of county administrator and deputy county administrator and creating in lieu thereof the position of county clerk to be appointed by the county commission.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 877, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Buskey (John) (With Notice and Proof):

H. 878. Relating to Montgomery County; further providing for the medically indigent citizens of Montgomery County; fixing a definition of medically indigent persons; establishing the Montgomery County Indigent Care Board and describing its authority, composition and duties; providing for the transfer of revenues from the Montgomery County general fund to

the Montgomery County Indigent Care Board; providing for reduction of county revenues and reimbursement; fixing ultimate financial responsibility for the provision of health care to medically indigent citizens of Montgomery County with the county governing body.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 878, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

H. 542 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Harvey to postpone further consideration of the bill, H. 542, to the twenty-second legislative day, was tabled.

Yeas 66; Nays 17.

Yeas:

Mr. Speaker, Albright, Bachus, Beers, Black, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Gaston, Goodwin, Gray, Grayson, Grouby, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McMillian, McNair, Marietta, Mathis, Melton, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Preuitt, Rice, Richardson, Rogers, Spratt, Starkey, Starr, Thomas, Turner, White (F), White (G), White (L) and Zoghby.

—66

Nays:

Reps.: Boles, Brakefield, Butler, Carothers, Carter, Flowers, Hall, Harvey, McKee, Mikell, Payne, Rains, Reed, Sasser, Seibels, Smith and Trammell.

—17

And the bill, H. 542, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 12.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillian, McNair, Marietta, Mathis, Melton, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Thomas, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—77

Nays:

Reps.: Boles, Brakefield, Carothers, Cosby, Flowers, Harvey, Laird, McKee, Mikell, Payne, Sasser and Seibels.

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REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 439. To provide a fifteen percent or other cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1985.

JIMMY CLARK,
Chairman.

And the bill, H. 439 as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 267. CONGRATULATING DR. JAMES E. MARTIN, PRESIDENT, AUBURN UNIVERSITY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 88. To require all tags, plates or attachments on motor vehicles to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an increase in tag or plate costs for passenger automobiles, trucks with a gross weight of 8,000 pounds or less and motorcycles; to provide for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 136. Relating to the eradiction and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and In-

dustries for the fiscal year ending September 30, 1985, to indemnify owners or swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillian, McNair, Marietta, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Hilliard, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague.

S. J. R. 176. WELCOMING, IN COMMENDATION, PRESIDENT JIMMY CARTER TO THE STATE OF ALABAMA.

WHEREAS, James Earl (Jimmy) Carter, our nation's 39th President, was the first president from the Deep South to be elected in more than one hundred years; and

WHEREAS, a native of our neighboring State of Georgia, President Carter attended Georgia Institute of Technology in Atlanta and graduated from the United States Naval Academy at Annapolis, serving in the Navy's nuclear submarine program as an aide to Admiral Hyman Rickover; and

WHEREAS, President Carter served as Chief Executive from 1977 to 1981, during which term he was instrumental in the peace negotiations between Israel and Egypt, and ultimately was successful in obtaining the release of the 52 Americans held hostage in Iran; and

WHEREAS, we have learned with pleasure that President Carter shortly will be visiting the State of Alabama for the purpose of addressing students at Samford University Law Day Activities; it is a visit we greatly anticipate and we indeed welcome President Jimmy Carter to our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend President Jimmy Carter from the Deep South State of Georgia and, on behalf of all Alabamians, extend to him a sincere warm welcome to Birmingham and to Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for President Carter and presented in token of a friendship we value most highly.

McDOWELL LEE,
Secretary.

SENATE MESSAGE
SUBSTITUTE OFFERED

Rep. Horn offered the following substitute to the resolution, S. J. R. 176:

WELCOMING, IN COMMENDATION, PRESIDENT JIMMY CARTER TO THE STATE OF ALABAMA.

WHEREAS, James Earl (Jimmy) Carter, our nations' 39th President, was the first president from the Deep South to be elected in more than one hundred years; and

WHEREAS, a native of our neighboring State of Georgia, President Carter attended Georgia Institute of Technology in Atlanta and graduated from the United States Naval Academy at Annapolis, serving in the Navy's nuclear submarine program as an aide to Admiral Hyman Rickover; and

WHEREAS, President Carter served as Chief Executive from 1977 to 1981, during which term he was instrumental in the peace negotiations between Israel and Egypt, and ultimately was successful in obtaining the release of the 52 Americans held hostage in Iran; and

WHEREAS, we have learned with pleasure that President Carter shortly will be visiting the State of Alabama for the purpose of addressing students at Samford University Law Day Activities; it is a visit we greatly anticipate and we indeed welcome President Jimmy Carter to our state; and

WHEREAS, the Birmingham Bar Association invited President Jimmy Carter to speak at Samford University for Law Day; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend President Jimmy Carter from the Deep South State of Georgia and, on behalf of all Alabamians, extend to him a sincere warm welcome to Birmingham and to Alabama; and we gratefully extend our thanks to the Birmingham Bar Association for inviting President Jimmy Carter to speak at Samford University for Law Day.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for President Carter and presented in token of a friendship we value most highly.

On motion of Rep. Horn, the substitute was adopted.

On motion of Rep. Horn, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 176 as amended.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 135. Relating to contracts and contractors; to give preference to resident contractors who bid on public work projects except where federal funds are involved.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Little:

S. 426. To make legislative findings regarding the need to provide additional methods of providing facilities employed in the provision of certain utility services, including water and sewer services, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certificate of incorporation of any such corporation to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof; to authorize any such corporation to acquire, construct, own, lease, make loans with respect to, operate, or enter into contracts for the operation of, facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to empower any such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation; to provide that the notes, bonds or other obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes, bonds and other obligations of any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues and income of such corporation, such transaction or actions to which each such corporation is a party or in which it may be involved, and the notes, bonds and all other obligations of each such corpo-

ration and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations; to exempt all utility services agreements and other contracts relating to the design, construction, acquisition, financing or operation of facilities financed by a corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations and all laws relating to the maximum duration of contracts for the sale of personal property and contractual services to counties, municipalities or public corporations; to provide for liberal construction of the provisions of this act; to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any corporation organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality thereof and the Tannehill Furnace and Foundry Commission to enter into utility services agreements, for a term not exceeding forty (40) years, providing for the provision of utility services to such entity by a provider under circumstances in which the facilities for the provision of such utility services are financed, in whole or in part, by a corporation; to provide that such entity may unconditionally and absolutely obligate itself to make payments pursuant to such utility services agreement irrespective of the performance of the facilities or the delivery of the pertinent utility services; to provide that a utility services agreement may provide that when more than one such entity shall be a party to such a utility services agreement and one such entity shall default in its obligations thereunder, then the other such entity or entities may be obligated to assume the payment obligations of such defaulting entity; to provide legal and equitable remedies for the breach of utility services agreements; to prohibit any city, county or instrumentality of either thereof to enter into any utility services agreement or related agreements for the acquisition, construction, equipment or operation of any facilities unless the same shall have been approved by such entity after a public hearing following public notice; to provide that any such corporation shall be a nonprofit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing

Message from the Senate, was read one time and referred to appropriate Standing Committee, as follows:

S. 426. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Covington:

S. 231. To amend Section 41-16-50, Code of Alabama 1975, relating to the expenditure of public funds for leases or lease purchases; to establish an effective date.

Also:

By Senator Covington:

S. 232. To amend Section 11-43-4, Code of Alabama 1975, as amended, and to amend Section 11-43-45, Code of Alabama 1975, said sections relating to the election of officers in a municipality, so that vacancies may be filled by a majority vote of the members of the council, and all members of the council may vote to fill vacancies any provision of law notwithstanding.

Also:

By Senator Langford:

S. 159. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee, as follows:

S. 231. Ways and Means.

S. 232. Local Government.

S. 159. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Holmes:

S. 378. To amend Sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224, 8-17-225 and 8-17-226, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailers; to revise the definition of "distributor" to include provisions for all persons making

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sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit further for the display of fireworks; to prohibit sales of fireworks to persons under 16, and to provide for the sale of confiscated fireworks.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee, as follows:

S. 378. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Foshee:

S. 507. To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

Also:

By Senators Langford and Covington:

S. 132. To provide that full-time employees and executive officers of the Alabama Opportunities Industrialization Center may elect to become members of the teachers' retirement system of Alabama; also to provide that said Center and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the title of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committee, as follows:

S. 507. Ways and Means.

S. 132. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senator Foshee:

S. 362. To amend Sections 34-27-2, 34-27-11, 34-27-31, 34-27-50, 34-27-51, 34-27-60 and 34-27-66 of the Code of Alabama 1975 which regulate

real estate and timesharing brokers, salesmen and transactions, so as to provide further therefor and to provide further for penalties.

Also:

By Senators Mitchem, Barron, Bailey and Cooley:

S. 469. To make appropriation, in addition to any other appropriation provided, of \$500,000 from the special educational trust fund for the fiscal year ending September 30, 1984, to Auburn University's Agricultural Experiment Station for the purchase of equipment and facilities at the Poultry Research Farm Phase II.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees, as follows:

S. 362. State Administration.

S. 469. Ways and Means.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bill hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 5:20 P.M. on April 24, 1984.

H. J. R. 220

H. J. R. 221

H. J. R. 222

H. J. R. 223

H. J. R. 224

H. J. R. 225

H. J. R. 226

H. J. R. 227

H. J. R. 233

H. J. R. 234

H. J. R. 235

H. J. R. 236

H. J. R. 237

H. J. R. 244

H. J. R. 245

H. J. R. 249

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H. J. R. 250
H. J. R. 251
H. J. R. 258
H. J. R. 259
H. 122

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Rice and pursuant to the resolution, H. R. 281, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Wednesday, April 25, 1984.

TWENTY-SECOND DAY

House of Representatives
Montgomery, Alabama
Wednesday, April 25, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend H. C. Yohn, Pastor, Salem-Troy Baptist Association.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES ADOPTED

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the twenty-first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted.

Yeas 78; Nays 9.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Flowers, Ford, Fuller, Gaston, Gray, Hall, Hammett, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McNair, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Turner, Venable, White (G) and Zoghby.

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Nays:

Reps.: Carothers, Clark (D), Goodwin, Johnson (R.G.), McMillan, Martin, Penry, Warren and White (L).

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The Journal for the twenty-first legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolution, to-wit:

H. 88. To require all tags, plates or attachments on motor vehicles to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an increase in tag or plate costs for passenger automobiles, trucks with a gross weight of 8,000 pounds or less and motorcycles; to provide for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

Also:

H. J. R. 267. CONGRATULATING DR. JAMES E. MARTIN, PRESIDENT, AUBURN UNIVERSITY.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Clark (J), Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 149. COMMENDING GOVERNOR JOHN M. PATTEN-

SON UPON HIS APPOINTMENT TO THE ALABAMA COURT OF
CRIMINAL APPEALS.

On motion of Rep. White (L), the resolution, S. J. R. 149, was adopted.

RECESS

On motion of Rep. Rains, the House stood in recess to permit the Standing Committee on Local Legislation No. 1 to meet.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

BILLS ON SECOND READING

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 393. To amend Section 13A-7-40, Code of Alabama 1975, which defines the term "explosives" as it relates to arson, so as to further define such term to include certain fireworks.

H. 514. To amend the Alabama Uniform Certificate of Title and Antitheft Act by repealing Sec. 32-8-48 Code of Alabama 1975, and by amending Sec. 32-8-87 Code of Alabama 1975, to include certain requirements set forth in Sec. 32-8-48 repealed herein, to remove the requirement of surrendering the vehicle identification number plate in certain instances, to provide for the issuance of a salvage certificate of title and the assignment of same, to exempt insurance companies from titling motor vehicles in the name of the company in certain instances, to redefine total loss motor vehicles for clarity and to require certain other documents or items to be surrendered to the Department of Revenue in certain instances.

H. 515. To amend Section 32-8-86, Code of Alabama 1975, relating to the removal or falsification of an identification number, registration or license plate of a vehicle of an engine, so as to provide for the forfeiture and condemnation of any item seized pursuant to this section.

H. 590. To amend Section 15-22-2 of the Code of Alabama 1975 which relates to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers.

H. 777. To amend Section 7-9-307 of the Code of Alabama 1975, relating to the protection of buyers of goods, so as to provide that anyone selling farm products must execute a certificate of ownership revealing ownership, any security interest and notice of criminal acts and omissions and providing for penalties; to require that checks in payment be made jointly to include seller and any secured party; and providing for the imposition of fines and criminal penalties for violations and for untrue statements.

H. 843. To amend Sections 34-11-2, 34-11-4, 34-11-5, 34-11-6, 34-11-7, 34-11-8, 34-11-9, 34-11-11, 34-11-12, 34-11-13, 34-11-15, 34-11-32, and 34-11-35 of the Code of Alabama 1975, which relate to the regulation and registration of professional engineers and land surveyors, so as to regulate further such registration and the fees therefor; to provide for the issuance of certificates of authorization to certain corporations, partnerships or firms practicing engineering or land surveying; and to regulate further the com-

pensation of members of the board of registration for professional engineers and land surveyors, and to provide for corporate practice.

H. 847. To amend Section 6-5-332, Code of Alabama 1975, the Good Samaritan Law, so as to provide that any person rendering emergency care at the scene of an accident is exempt from certain civil liability.

S. 87. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide a statute of limitations for paternity actions under this act; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination with his consent, as the natural father of a child born thereof; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

S. 159. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

S. 184. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

S. 388. To amend the obscenity laws, specifically amending Section 13A-12-151, Code of Alabama 1975, so as to provide for the punishment of obscene communications by telephone made for commercial purposes.

S. 399. Relating to exempt property and allowances under the Probate Code; to permit employers to pay to the surviving spouse or to a person with custody over surviving children any wages or salary due an employee who dies intestate, said sum being considered a part of other exempt property and allowances.

S. 470. To provide for the criminal offense of theft of trade secrets and trademarks and to prescribe penalty for conviction of such offense.

Rep. White (F), Vice-Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 690. To provide that those officials authorized to issue motor vehicle license plates shall have the authority to require proof of payment of the Federal Heavy Motor Vehicle Excise Tax imposed by Title 26 U.S.C. § 4481, in order to insure that the State of Alabama does not suffer any reduction in the State's share of federal highway funds as provided by Title 23 U.S.C. § 141(d), and to prohibit the issuance of motor vehicle license plates to those motor vehicles having a taxable gross weight of more than 33,000 pounds until the applicant provides proof that the tax imposed by Title 26 U.S.C. § 4481, has been paid for the particular motor vehicle sought to be registered and licensed.

S. 352. To provide for and create a public corporation for the purposes of flood control to be known as the Alabama Village and Valley Creeks Flood Control Authority. The office of the Authority is to be located in the City of Birmingham; to provide for a board of directors, prescribe the method of appointment, its duties and authorities, and to provide for employees.

S. 418. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

H. 794. To amend Section 16-27-4, Code of Alabama, 1975, to establish a validity period for school bus driver's license from September 1 through August 31, annually, and to clarify the requirements of attendance to a four clock-hour training session at any time prior to the expiration date of a school bus driver's license in order for such license to be renewed.

S. 438. To amend Section 12-15-7 of the Code of Alabama 1975, relating to appointment of juvenile probation officers, so as to provide further for such appointments.

S. 276. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of \$2,000 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

H. 739. To regulate the vending or selling of certain items within buildings or on property of the state, its agencies, institutions and political subdivisions, to authorize and provide for such vending or selling by blind persons; and to provide for the training and licensing of blind persons to engage in such vending or selling and for the financing of the selling and vending ventures of such blind persons in these public buildings and on this public property.

S. 98. To amend Act No. 83-838 of the 1983 Third Special Session of the Alabama legislature relating to reintegration of state prison inmates into

society under the Supervised Intensive Restitution Program, so as to further specify the ineligibility of certain inmates convicted of certain crimes to participate in said program.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 378. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224, 8-17-225 and 8-17-226, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailers; to revise the definition of "distributor" to include provisions for all persons making sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16, and to provide for the sale of confiscated fireworks.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with Amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 60. (With Amendments) To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and specifically repealing Sections 93, 94, 211, 212, 213, 214, 217, 218, 219, 222, 224, 225 and 226 of the Constitution of 1901, as amended, and Amendments 23, 25, 53, 61, 93, 107, 108, 116, 126, 160, 212, 225, 228, 272 and 398 to said Constitution; providing for an election thereon; and prescribing an effective date for the proposed Amendment.

The above bill was read a second time at length as required by the Constitution.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 362. To amend Sections 34-27-2, 34-27-11, 34-27-31, 34-27-50, 34-27-51, 34-27-60 and 34-27-66 of the Code of Alabama 1975 which regulate real estate and timesharing brokers, salesmen and transactions, so as to provide further therefor and to provide further for penalties.

H. 631. To amend Sections 25-9-84, 25-9-88 and 25-9-171, Code of Alabama 1975, relating to coal mine safety, so as to provide further regulations regarding mine ventilation and mine electrical equipment.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 7. To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests

and frequency and adding the determination of same to be by rule of state board of health.

H. 764. To amend Code Section 22-6-4.2 of the Code of Alabama 1975, relating to copayment for prescription drugs, so as to conform state law to the requirements of the medicaid provisions of Public Law 97-248, enacted by the 97th Congress of the United States of America and known as the Tax Equity and Fiscal Responsibility Act of 1982.

S. 397. To amend Section 22-21-260 of the Code of Alabama 1975, so as to exempt a Veterans Nursing Home operated by the Department of Veterans Affairs from definition as a health care facility.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 211. (With Amendment): Relating to dental practice insurance coverage in health insurance policies and employee benefit plans so as to allow any individual who has dental insurance coverage or contract benefits, the right to select any dentist of his choice to furnish the dental care provided under such plans or policies; to provide that it shall be the duty and responsibility of the commissioner of insurance to enforce the provisions of this Act; and to provide for penalties for violations as provided in Section 27-1-12 of the Code of Alabama 1975.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 829. To amend Sections 2-15-131 and 2-15-133, Code of Alabama 1975, relating to the Livestock Dealers' Financial Responsibility Act, so as to include catfish in the definition of livestock and to provide when payment of purchase of catfish is to be made by the dealer.

S. 336. To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

S. 343. Relating to findings of the Legislature regarding the disease Avian Influenza; setting the crime of a knowing or wanton violation of laws or regulations pertaining to the control or eradication of Avian Influenza a Class C felony.

S. 472. To amend Section 9-3-12, Code of Alabama 1975, relating to the state forestry commission steering committee, so as to provide further for an increase in committee members and their appointment.

H. 854. To authorize and provide for the promotion of the production, marketing, use and sale of wheat, corn, grain sorghum, and oats and wheat, corn, grain sorghum, and oats products by research, education, advertising and other methods; and prescribing a method whereby wheat, corn, grain sorghum, and oat producers may act jointly with handlers, buyers, processors, the State Board of Agriculture and Industries, and others, for a promotional program; providing that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from

assessments, the regulations, requirements and authority relative thereto; providing for nonassessments, or refund of assessments; prescribing duties of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect to a promotional program for the wheat, corn, grain sorgham, and oats producers of Alabama; and providing for the administration thereof by a nonprofit association which is fairly and substantially representative of the producers of wheat, corn, grain sorghum, and oats throughout the State; and providing for collection and distribution of assessments by dealers, handlers, and buyers of wheat, corn, grain sorghum, and oats; requiring an annual permit of such dealers, processors, and other buyers; and other administrative, enforcement, promotional, and penalty provisions.

H. 833. To provide methods and procedures to be used for boll weevil eradication in cotton; to provide definitions; to allow entering into cooperative agreements; to allow inspections of premises; to require reports; to allow the establishments of quarantines and elimination zones and to provide for treatment of cotton in elimination zones to include destruction; to allow adoption of rules and regulations and penalties for their violation; to provide for certification of a cotton growers organization and for a referendum to be conducted by said organization; to provide for assessments to be paid by growers and penalties for failure to pay assessments; to provide for the promulgation of regulations.

H. 875. To propose an amendment to the Constitution of Alabama 1901, relating to the eradication or control of the boll weevil in cotton; allowing the Legislature, by general law, to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated non-profit organization for the sole purpose of eradicating or controlling the boll weevil.

The above bill was read a second time at length as required by the Constitution.

H. 856. To propose an amendment to the Constitution of 1901, authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of wheat and other feed grains as defined and authorized by the Legislature.

The above bill was read a second time at length as required by the Constitution.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 73. (With Amendment): To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, as last amended, which provide for nonresident annual and trip fishing licenses, so as to increase certain license and issuance fees for said licenses, and to further provide for the distribution of said fees.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 370. To amend Sections 41-9-340, 41-9-343, 41-9-347 and 41-9-355, Code of Alabama 1975, relating to the USS Alabama Battleship Commis-

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sion, so as to provide for the vacation of office by a member for failure to attend meetings, to increase the monetary limits for which a contract may be executed, to provide that said park shall honor all who participated in military defense of our nation and to forgive certain debts owed by the Commission to the Alabama State Docks.

Rep. Goodwin, Chairman of the Standing Committee on Public Utilities and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 810. To amend further Section 37-3-4 of the Code of Alabama 1975, relating to the Alabama Motor Carrier Act, so as to exempt motor vehicles used exclusively for transporting passengers pursuant to a federally funded program from regulation by the Alabama Public Service Commission.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 669. To empower any city or town in this State to acquire, improve and equip land, buildings and other facilities for use by the United States Postal Service; to provide for the financing of costs of such acquisition, improvement and equipment, either as the sole purpose of such financing or combined with any other lawful purpose or purposes; and to provide for the leasing of such land, buildings and facilities to the United States Postal Service.

H. 751. To amend section 17-4-138, Code of Alabama 1975, relating to the hiring of clerical employees and the purchase of office equipment by boards of registrars, so as to provide further for hiring such employees and for purchasing office equipment.

S. 232. To amend Section 11-43-4, Code of Alabama 1975, as amended, and to amend Section 11-43-45, Code of Alabama 1975, said sections relating to the election of officers in a municipality, so that vacancies may be filled by a majority vote of the members of the council, and all members of the council may vote to fill vacancies any provision of law notwithstanding.

Rep. Ford, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 154. To provide for educational assistance benefits for members of the Alabama National Guard.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 113. To provide that local city and county boards of education boards of trustees of colleges and universities and governing boards of other public supported education institutions shall provide certain leave options for tenured professional employees who serve in the Alabama legislature and full time members of the Governor's staff.

H. 245. To amend section 32-5-240 of the Code of Alabama 1975 relating to required lighting equipment of vehicles so as to require that such equipment be put in operation during periods when rain, mist or other precipitation, including snow, necessitates the constant use of windshield wipers by motorists.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 529. Relating Shelby County; to amend Section 8 of Act No. 82-771, S. 93, 1982 Second Special Session, (Acts 1982, 2nd Special Session, p. 262), which created the Shelby County Planning Commission, so as to provide that the election be held in each beat on whether or not the authority of the commission, its master plan and zoning regulations shall apply to such beat may not be held any more often than once every two years.

H. 710. An act, to restate, confirm, and describe the boundaries and corporate limits of the City of Alabaster, Alabama.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 789. (With Amendment): Relating to Jackson County, creating a Jackson County Economic Development Authority and providing for said authority's composition, terms, duties and powers.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 790. Relating to Jackson County; to amend Act 79-473, S. 639, Regular Session 1979, as amended (Acts 1979, p. 873), so as to allocate a portion of T.V.A. payments made to Jackson County to the Jackson County Economic Development Authority and to remove the provision regarding unused money allocated to the legislative delegation office.

H. 797. Relating to Tuscaloosa County; providing further for the distribution of the beer tax levied by Section 28-3-190, Code of Alabama 1975.

H. 798. Relating to Elmore County; to provide that the sheriff shall be entitled to the allowances payable by the state, county or municipalities for feeding prisoners housed in the Elmore County Jail; and to provide that the provisions of this Act shall be retroactive to January 18, 1983.

H. 801. To amend Section 1 of Act No. 708, H. 1078, Regular Session 1978, (Acts 1978, p. 1021) entitled, "An Act To authorize and provide for the establishment, maintenance, equipping, operation and financing of a public law library in Hale County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county," so as to increase the law library fees taxed as items of court costs.

H. 808. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

H. 809. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 819. (With Substitute): Relating to Calhoun County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the termination date.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 820. Relating to Cullman County; authorizing any town or municipality in said county to regulate the business hours of game and billiard rooms either by ordinance, rule or regulation or by license fees.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 821. (With Amendment): Relating to Cullman County; authorizing a procedure whereby the sheriff is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the sheriff's department of the county and stored by said department but which has been unclaimed after six (6) months; providing that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Cullman County, or by posting in a conspicuous place at the county courthouse; providing that the first publication or posting of said notice shall be twenty days before the said auction; providing a procedure for the conduct of said auction; providing that the owner of any of the abandoned or stolen property recovered and stored by the sheriff may redeem the same at any time prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of the county.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 822. Relating to Cullman County; to provide for a special recording fee on documents filed in the office of the judge of probate; to provide that such special recording fee be used for the purpose of acquiring and

maintaining electronic data processing equipment for the office of the judge of probate.

H. 823. Providing full-time status for the associate county commissioners of Cullman County; providing certain salaries for such commissioners and prescribing realms of responsibility relating to the county road program for such commissioners.

H. 824. Relating to Cullman County; providing for the compensation of the sheriff, the judge of probate, the revenue commissioner, the coroner and the chairman of the county commission and providing a certain annual expense allowance for the court reporters of the thirty-second judicial circuit.

H. 825. Relating to selling and redeeming lands for taxes in Cullman County, Alabama.

H. 826. Relating to Blount County; authorizing certain county health officers or administrators to issue official death certificates, levy and collect fees therefor; and providing for the distribution of such revenues for county health purposes.

H. 830. Relating to Henry County, Alabama; providing for the amendment of Section 3 of Act No. 83-559 of the regular session of the 1983 legislature of the State of Alabama, providing for the compensation of the Clerks in the office of the County Revenue Commissioner.

H. 831. Relating to Houston County; providing for a certain additional monthly expense allowance for the county coroner which shall terminate on December 31, 1986; providing for a certain monthly salary for such coroner to be effective at the beginning of the next term of office with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for such coroner; authorizing the county commission to pay any operating expenses for such coroner's office retroactive to October 1, 1970; authorizing said coroner to appoint a deputy coroner to serve in his absence and specifically repealing certain conflicting laws.

H. 836. Relating to county health officers or administrators in Walker County; authorizing such persons to issue official death certificates.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 839. (With Amendment): Relating to county health officers or administrators in Cherokee County; authorizing such persons to issue official death certificates; providing penalties for violation of this Act; and to provide that fees collected for certain services shall be accounted for and remitted to the treasurer of the county board of health or like official for custody subject to disbursement in the interest of health services in the county.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 845. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

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H. 849. Relating to Lauderdale County; providing further for the compensation of the members of the board of registrars.

H. 850. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Pollard in Escambia County.

H. 852. Relating to county health officers or administrators in Chambers County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

H. 857. To alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford in Calhoun County.

H. 861. Relating to Randolph County; to provide for the mailing addresses of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

H. 862. Relating to county health officers or administrators in Cleburne County; authorizing such persons to issue official death certificates; providing penalties for violation of this Act; and to provide that fees collected for certain services shall be accounted for and remitted to the treasurer of the county board of health or like official for custody subject to disbursement in the interest of health services in the county.

H. 867. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

H. 868. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Rep. Horn, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 633. Relating to the Tenth Judicial Circuit, Bessemer Division; effective upon the expiration of the present term of office, the elected deputy district attorney shall serve a six year term of office.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 282.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount, and continuing order of business on Wednesday, April 25, 1984, taking precedence over any other business of the House and any other pending Special Orders until such time as said bills are disposed of:

<u>Bill No.</u>	<u>Sponsor</u>	<u>Short Title</u>	<u>Page</u>
S. 321	Foshee	Electric suppliers; service territories	2(S)
Local Bills			
H. 77	Clark, J.	State Parks; contract extension	55

H. 671 (amdt.)	Turner	Mobile County Racing Commission	156
H. 219	Carothers	Conservation; Game & Fish; hunter education	27
H. 198	Carter	Conservation; Game & Fish; hunting within 100 yds. of highway	26
H. 353	Moore	Board of Adjustment	63
H. 354	Moore	Probate judges; state facilities; mental health evaluations	63
H. 526	Campbell	State social security office under State Comptroller	63
H. 224	Zoghby	State Treasurer; destruction of cancelled warrants	53
H. 305 (amdt)	Zoghby	State Treasurer; check writing machine; employees in office	53
H. 367	Campbell	Codification	43
H. 185	Tanner	Probate Code; amending	5
H. 94	Campbell	Administrative Procedures Act; amending	7
H. 326	Warren	Uniform Certificate of Title & Antitheft Act	172
H. 752	Campbell	Burial insurance policies	14(S)
H. 171 (amdt)	Adams	Probate offices; fees and charges	57
H. 107	Kennedy	Emergency telephone boxes on interstate	36
H. 78	Clark, J.	State Parks; revolving fund	55
H. 158	White (L)	Leases and lease purchases; expenditures	13
H. 133	Britnell	Sick leave bank on request	54
H. 259	Coleman	Handicapped parking decals	47
H. 325 (sub)	Johnson (Roy)	Circuit clerks and registers, annual salary	159
H. 612	Turnham	Circuit courts; district courts; fees and charges	153
H. 487	Clark (J)	Uniform State Laws Commission	69
H. 657 (amdt)	Harvey	Exemption of property from execution or attachment	175
H. 502	White (L)	State Board of Pharmacy; appeals	112
H. 570	White (L)	State Board of Pharmacy; license fees	120
H. 32 (amdt)	Turner	Full-time firefighters, payroll deductions	49
H. 586	Clark (D)	Veterans Nursing Home operated by V.A. exempt as health care facility	143
H. 328	Tanner	Municipalities; residence requirements	57
H. 446	Adams	Tax assessors, tax collectors; payment of salaries	103
H. 30 (sub)	Turner	Class 2 municipalities; retirement system	106

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H. 21 (amdt)	Laird	Small Business Office of Advocacy	33
H. 624	Smith	Forestry Commission Steering Committee	144
H. 47	Turnham	Uniform Certificate of Title & Antitheft Act; amended	38
H. 411	Johnson (Roy)	State Employees Insurance Bd.; membership	78
H. 486	Clark, J.	Timesharing brokers; regulating	68
H. 461	Nicholson	Trust investments	91
H. 500	Mitchell	State Board of Barber Examiners	93
H. 310	Dutton	State archery hunting license provided for	28
H. 585	Turnham	Wastewater treatment	132
H. 215	Onderdonk	Oil/gas severance tax	160
H. 317	Smith	FOP Annuity & Benefit Fund; amended	76
H. 199	White (F)	County constables	31

UNFINISHED BUSINESS

SUBSTITUTE OFFERED

Rep. Carothers offered the following substitute to the resolution, H. R. 282:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That upon reaching the Calendar, the following bills in the order named be made the special and paramount order of business for the 22nd Legislative Day, April 25, 1984:

<u>Bill No.</u>	<u>Sponsor</u>	<u>Short Title</u>	<u>Page</u>
Local Bills			
H. 77 (amdt)	Clark (J)	Conservation; State Parks; contract extension	55
H. 78	Clark (J)	Conservation; State Parks; revolving fund	55
H. 219	Carothers	Conservation; Game & Fish; hunter education	27
H. 198	Carter	Conservation; Game & Fish; hunting within 100 yds. of highway	26
H. 353	Moore	Board of Adjustment	63
H. 354	Moore	Probate judges; state facilities; mental health evaluations	63
H. 526	Campbell	State social security office under State Comptroller	113
H. 224	Zoghby	State Treasurer; destruction of cancelled warrants	53
H. 305 (amdt)	Zoghby	State Treasurer; check writing machine; employees in office	53
H. 367	Campbell	Codification	43
H. 185	Tanner	Probate Code; amending	5
H. 94	Campbell	Administrative Procedures Act; amending	7
H. 326	Warren	Uniform Certificate of Title & Antitheft Act; amended	172

H. 51	Biddle	Contractors; resident preference	15
H. 52	Biddle	Contractors; out of state	15
H. 171 (amdt)	Adams	Probate offices; fees and charges	57
H. 107	Kennedy	Emergency telephone boxes on interstate	36
H. 671 (amdt)	Buskey (Jas)	Mobile County; Mobile County Racing Commission	156
H. 158	White (L)	Leases and lease purchases; expenditures	13
H. 133	Britnell	Sick leave bank on request	54
H. 259	Coleman	Handicapped parking decals	47
H. 325 (sub)	Johnson (Roy)	Circuit clerks and registers, annual salary	159
H. 612	Turnham	Circuit courts; district courts; fees and charges	153
H. 487	Clark (J)	Uniform State Laws Commission	69
H. 657 (amdt)	Harvey	Exemption of property from execution or attachment	175
H. 502	White (L)	State Board of Pharmacy; appeals	112
H. 570	White (L)	State Board of Pharmacy; license fees	120
H. 32 (amdt)	Turner	Full-time firefighters; payroll deductions	49
H. 586	Clark (D)	Veterans Nursing Home operated by V.A. exempt as health care facility	143
H. 328	Tanner	Municipalities; residence requirements	57
H. 446	Adams	Tax assessors, tax collectors; payment of salaries	103
H. 30 (sub)	Turner	Class 2 municipalities; retirement system	106
H. 21 (amdt)	Laird	Small Business Office of Advocacy	33
H. 624	Smith	Forestry Commission Steering Committee	144
H. 47	Turnham	Uniform Certificate of Title & Antitheft Act; amended	38
H. 411	Johnson (Roy)	State Employees Insurance Bd.; membership	78
H. 486	Clark (J)	Timesharing brokers; regulating	68
H. 461	Nicholson	Trust investments	91
H. 500	Mitchell	State Board of Barber Examiners	93
H. 310	Dutton	State archery hunting license provided for	28
H. 585	Turnham	Wastewater treatment	132
H. 215	Onderdonk	Oil/gas severance tax	160
H. 317	Smith	FOP Annuity & Benefit Fund; amended	76
H. 199	White (F)	County constables	31
S. 321	Foshee	Electric Territorial	
UNFINISHED BUSINESS			

SUBSTITUTE TABLED

On motion of Rep. Clark (J), the substitute offered by Rep. Carothers to the resolution, H. R. 282, was tabled.

Yeas 72; Nays 16.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Thomas, Turner, White (G) and Zoghby.

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Nays:

Reps.: Black, Carothers, Clark (D), Goodwin, Hettinger, Johnson (R.G.), McDowell, McMillan, Martin, Penry, Rice, Starkey, Turnham, Warren, White (F) and White (L).

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On motion of Rep. Clark (J), the resolution, H. R. 282, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

S. 321. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in

conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

Was taken up.

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, S. 321:

Amend S. B. 321, on page 7 at line 17, by deleting before word "electric" the following:

"municipality or municipally-owned"

and further on page 12 at line 17 by deleting after the word "which" the following:

"(a)"

and further on page 12 at line 18 by deleting after the word "was" the following:

"800"

and substituting in lieu thereof the following:

"2500"

and further on page 12 line 20 by changing the semicolon after "1984" to a period

and further on page 12 lines 20 through 23 by deleting the following:

"or (b) is served from a substation or step-down transformer from 44 kilovolts or higher which is devoted exclusively to service to the particular premises"

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Carothers to the bill, S. 321, was tabled.

Yeas 65; Nays 25.

Yeas:

Mr. Speaker, Albright, Bachus, Beers, Blake, Blakeney, Box, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McDowell, McNair, Marietta, Melton, Mitchell, Newman, Nicholson, Onderdonk, Payne, Perdue, Poole, Pratt, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (G) and Zoghby.

—65

Nays:

Reps.: Black, Bowling, Brooks, Browder, Burke, Carothers, Carter, Clark (D), Clark (W), Coburn, Goodwin, Grayson, Harper, Hettinger, Johnson

(R.G.), McKee, McMillan, Martin, Mathis, Parker, Penry, Preuitt, Rice, Warren and White (L).

—25

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Resolution:

S. J. R. 176. WELCOMING IN COMMENDATION, PRESIDENT JIMMY CARTER TO THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 558. To amend Section 2-3-20, Code of Alabama (1975); to provide for farmers' market facilities throughout this State for the efficient handling and sale of agricultural and agriculture related products; to create a certain farmers' market committee to advise on matters pertaining to such facilities; to prescribe the composition of such committee and the terms, duties, meetings, regulations and compensation of its membership; to prescribe punishment for violators of regulations adopted pursuant to this Act.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 558. To amend Section 2-3-20, Code of Alabama (1975); to provide for farmers' market facilities throughout this State for the efficient handling and sale of agricultural and agriculture related products; to create a certain farmers' market committee to advise on matters pertaining to such facilities; to prescribe the composition of such committee and the terms, duties, meetings, regulations and compensation of its membership; to prescribe punishment for violators of regulations adopted pursuant to this Act.

And finds same correctly enrolled

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 346. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the Code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

McDOWELL LEE,
Secretary.

S. 321 RESUMED

AMENDMENT OFFERED

Rep. Carothers offered the following amendment #2 to the bill, S. 321:

Amend S. B. 321, on page 7 at line 17, by deleting before word "electric" the following:

"municipality or municipally-owned"

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment #2 offered by Rep. Carothers to the bill, S. 321, was tabled.

Yeas 63; Nays 25.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney, Box, Brakefield, Bryant, Buskey (James), Buskey (John), Campbell, Clark (J), Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Hall, Hammett, Harvey, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McDowell, McNair, Marietta, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Payne, Perdue, Poole, Pratt, Rains, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (G) and Zoghby.

—63

Nays:

Reps.: Black, Bowling, Brooks, Browder, Burke, Carothers, Clark (D), Clark (W), Coburn, Goodwin, Grayson, Harper, Hettinger, Johnson (R.G.), McKee, McMillan, Martin, Mathis, Parker, Penry, Preuitt, Reed, Rice, Warren and White (L).

—25

AMENDMENT OFFERED

Rep. Carothers offered the following amendment #3 to the bill, S. 321:

Amend S. B. 321, on page 19, line 8, by adding the following at the end of Section 7:

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"All other agreements between electric suppliers relating to the elimination of duplication of facilities or areas for provision of retail electric service are hereby declared null and void."

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment #3 offered by Rep. Carothers to the bill, S. 321, was tabled.

Yeas 72; Nays 16.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Hall, Hammett, Harvey, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McNair, Marietta, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Payne, Penry, Poole, Preuitt, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, White (F), White (G) and Zoghby.

—72

Nays:

Reps.: Browder, Carothers, Clark (D), Goodwin, Harper, Hettinger, Johnson (R.G.), McMillan, Martin, Mathis, Parker, Penry, Reed, Rice, Warren and White (L).

—16

AMENDMENT OFFERED

Rep. Martin offered the following amendment to the bill, S. 321:

Amend S. B. 321, as amended, on page 18, at line 31, by adding the following:

"13. Agreement between the City of Decatur, Joe Wheeler Electric Membership Corporation and Tennessee Valley Authority, dated as of February 18, 1958, as supplemented."

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Martin to the bill, S. 321, was tabled.

Yeas 67; Nays 23.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Gray, Hall, Hammett, Harvey, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McNair, Marietta, Mikell, Mitchell, Newman, Onderdonk, Payne, Perdue, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, White (G) and Zoghby.

—67

Nays:

Reps.: Bachus, Bowling, Britnell, Browder, Burke, Butler, Carter, Clark (D), Clark (W), Coburn, Goodwin, Grayson, Harper, Hettinger, Johnson (R.G.), McMillan, Martin, Mathis, Parker, Penry, Rice, Warren and White (L).

—23

AMENDMENT OFFERED

Rep. Mathis offered the following amendment to the bill, S. 321:

I move to amend Senate Bill number 321, page 1, line 18, by adding after the word "future" the following:

"corporate limits of electric municipalities and"

and further at page 1, line 19, by adding after the word "of" the following:

"other"

and further at page 1, line 23 by adding after the word "limits" the following:

"of each electric municipality plus an area within a line drawn one-quarter mile beyond those municipal limits and within the existing municipal limits of each other municipality"

and further at page 1, line 25 by adding after the word "limits" the following:

"of each electric municipality plus an area within a line drawn one-quarter mile beyond those municipal limits and within the existing municipal limits of each other municipality"

and further at page 3, line 6 by adding after the word "of" the following:

"electric municipalities and corporate limits of other"

and further at page 5, line 27 by inserting prior to the beginning of section 3 of the bill, the following additional definitions:

"(k) 'Electric Municipality' means any incorporated city, town or other municipality in the state of Alabama which owns, maintains and operates, or causes to be owned, maintained and operated its own electric distribution system. If any city, town or other municipality has heretofore created and established, or hereinafter creates and established, a public corporation pursuant to section 11-50-310 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority pursuant to section 39-7-1 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, then the words 'Electric Municipality' shall refer to the public corporation, improvement authority, utility board or municipal power district, as the case may be, and not to the city, town or other municipality creating and establishing it, unless the context indicates otherwise, so that the public corporation, improvement authority, utility board or municipal power district shall exercise

all powers granted by this act to, and undertake all obligations imposed by this act on, the city, town or other municipality creating and establishing it.

(l) 'Other Municipality' means any incorporated city, town or other municipality in the state of Alabama which does not own, maintain or operate its own electric distribution system or causes to be owned, maintained or operated its own electric distribution system, and has not heretofore created and established and does not hereafter create and establish, a public corporation pursuant to section 11-50-310 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority pursuant to section 39-7-1 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import

and further at page 5, line 28 by adding after the word "Limits" the following:

"of Electric Municipalities and Existing Municipal Limits of Other Municipalities"

and further at page 5, line 30 by adding after the word "limits" the following:

"of electric municipalities plus an area within a line drawn one-quarter mile beyond those municipal limits and outside existing municipal limits of other municipalities"

and further at page 6, line 8 by adding after the word "limits" the following:

"of electric municipalities and existing municipal limits of other municipalities"

and further at page 6, line 13 by adding after the word "outside" the following:

"an area within a line drawn one-quarter mile beyond the"

and further at page 6, line 13 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 6, line 24 by adding after the word "outside" the following:

"an area within a line drawn one-quarter mile beyond the"

and further at page 6, line 24 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 6, line 33 by adding after the word "limits" the following:

"of electric municipalities plus an area within a line drawn one-quarter mile beyond those municipal limits and within existing municipal limits of other municipalities"

and further at page 7, line 4 by adding after the word "outside" the following:

"an area within a line drawn one-quarter mile beyond the"

and further at page 7, line 4 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 8 by adding after the word "outside" the following:

"an area within a line drawn one-quarter mile beyond the"

and further at page 7, line 9 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 18 by adding after the word "outside" the following:

"an area within a line drawn one-quarter mile beyond the"

and further at page 7, line 19 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 8, line 4 by adding after the word "within" the following:

"an area within a line drawn one-quarter mile beyond the"

and further at page 8, line 4 by adding after the word "limits" the following:

"of electric municipalities and within existing municipal limits of other municipalities"

and further at page 8, line 19 by adding after the word "Within" the following:

"and Beyond the Municipal Limits of Electric Municipalities and Within the Municipal Limits of Other"

and further at page 8, line 22 by adding after the word "Within" the following:

"and Beyond"

and further at page 8, line 22 by adding after the word "Limits" the following:

"of Electric Municipalities and Existing Municipal Limits of Other Municipalities"

and further at page 8, line 24 by adding after the word "municipality" the following:

" , and, in the case of an electric municipality, within an area within a line drawn one-quarter mile beyond its existing municipal limits,"

and further at page 8, line 27 by adding after the word "limits" the following:

"of each electric municipality plus an area within a line drawn one-quarter mile beyond those municipal limits and within the existing municipal limits of each other municipality"

and further at page 8, line 28 by adding after the word "limits" the following:

"of each such electric municipality plus an area within a line drawn one-quarter mile beyond those municipal limits and within the existing municipal limits"

and further at page 8, line 28 by adding after the word "such" the following:

"other"

and further at page 8, line 31 by adding after the word "option" the following:

"respecting the distribution facilities of secondary suppliers within the existing municipal limits of electric municipalities plus an area within a line drawn one-quarter mile beyond those municipal limits and within the existing municipal limits of other municipalities"

and further at page 9, line 2 by adding after the word "Act" the following sentence:

"The primary electric supplier must announce its intention to exercise its option respecting the distribution facilities of secondary suppliers in areas annexed within the area within a line drawn one-quarter mile beyond the existing municipal limits to electric municipalities in writing by registered or certified mail to the affected secondary suppliers within the annexed area, addressed to the chief executive officer or manager of such secondary supplier, no later than nine (9) months after the effective date of the annexation of the affected area."

and further at page 11, line 5 by adding after the word "municipality" the following:

", and, as areas within the area within a line drawn one-quarter mile beyond the existing municipal limits are annexed by the electric municipality, within those annexed areas"

and further at page 11, line 15 by adding after the word "limits" the following:

"of the electric municipality plus an area within a line drawn one-quarter mile beyond those municipal limits or within the existing municipal limits"

and further at page 11, line 15 by adding after the word "the" and before the word "municipality" the following:

"other"

and further at page 11, line 15 by adding after the word "municipality" the following:

", as the case may be,"

and further at page 12, line 16 by adding before the word "municipal" the following:

"municipal limits of any electric municipality plus an area within a line drawn one-quarter mile beyond those municipal limits and within the existing"

and further at page 12, line 17 by adding after the word "any" the following:

"other"

and further at page 14, lines 18 and 19 by deleting the following:

"within the existing municipal limits"

and substituting therefor the following:

"being served by the distribution facilities subject to the purchase option"

and further at page 14, line 28 by adding after the word "limits" the following:

"of an electric municipality plus an area within a line drawn one-quarter mile beyond those municipal limits and within the existing municipal limits of an other municipality"

and further at page 15, line 11 by adding after the word "limits" the following:

"of an electric municipality plus an area within a line drawn one-quarter mile beyond those municipal limits and within the existing municipal limits of an other municipality"

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Mathis to the bill, S. 321, was tabled.

Yeas 65; Nays 19.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney, Box, Brakefield, Bryant, Bugg, Burke, Buskey (John), Campbell, Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Hall, Hammett, Harvey, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McNair, Marietta, Melton, Mikell, Mitchell, Newman, Onderdonk, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Starr, Thomas, Trammell, Turner, Venable, White (G) and Zoghby.

—65

Nays:

Reps.: Black, Bowling, Brooks, Browder, Carothers, Carter, Clark (D), Clark (W), Goodwin, Harper, Hettinger, Johnson (R.G.), McMillan, Martin, Mathis, Penry, Rice, Warren and White (L).

—19

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 346. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the Code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

And finds same correctly enrolled

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

AMENDMENT OFFERED

Rep. Johnson (R.G.) offered the following amendment to the bill, S. 321:

Amend S. B. 321, beginning on page 4, line 25 and ending on page 5, line 15 by deleting the entire definition of "reproduction cost new less depreciation"

and further one page 5, line 16 by renumbering section "(j)" to "(h)"

and further beginning on page 9, line 3 through page 10, line 31 by deleting that material beginning with the word "Simultaneously" and ending with the word "deposit"

and further on page 11, line 11 by deleting after the sentence ending with the word "below", the following sentence:

"The secondary electric supplier shall also furnish to the primary electric supplier an accurate record of the revenues billed to customers of the secondary electric supplier located within the existing municipal limits of the municipality for the twelve (12) months preceding date of notice from the primary electric supplier of its exercise of the option to purchase facilities."

and further on page 11 at line 19 by deleting after the word "shall" the word "also"

and further on page 12 at line 11 by deleting after the word "Section" the number "5" and substituting therefor the number "4"

and further beginning on page 12, line 24 through page 14, line 24 by deleting all of subsection (4) and substituting therefor the following:

"(4) The purchase price for the facilities so purchased pursuant to section 4 of this act shall be determined in the same manner as provided in sections 37-4-62 and 37-4-63, Code of Alabama 1975. The facilities so transferred shall be conveyed by warranty deed, "as is, where is", without warranty, express or implied, as to the condition of the facilities."

and further on page 16 at line 5 by deleting after the word "Act" the rest of that section and substituting therefor the following:

"such dispute shall be resolved pursuant to sections 37-4-62 and 37-4-63, Code of Alabama 1975"

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Johnson (R.G.) to the bill, S. 321, was tabled.

Yeas 67; Nays 21.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Clark (J), Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McNair, Marietta, Melton, Mikell, Mitchell, Newman, Onderdonk, Payne, Perdue, Pratt, Rains, Richardson, Rogers, Sasser, Spratt, Starr, Thomas, Trammell, Turner, Venable, White (G) and Zoghby.

—67

Nays:

Reps.: Black, Bowling, Browder, Carothers, Clark (D), Clark (W), Goodwin, Harper, Hettinger, Johnson (R.G.), McKee, McMillan, Martin, Mathis, Parker, Penry, Preuitt, Reed, Rice, Warren and White (L).

—21

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, S. 321:

I move to amend Senate Bill 321, page 1, line 18, by adding after the word "future" the following:

"corporate limits of electric municipalities and"

and further at page 1, line 19, by adding after the word "of" the following:

"other"

and further at page 1, line 23 by adding after the word "limits" the following:

"of each electric municipality plus an area 25% greater than the area contained within the existing municipal limits of the electric municipality and within the existing municipal limits of each other municipality"

and further at page 1, line 25 by adding after the word "limits" the following:

“of each electric municipality plus an area 25% greater than the area contained within the existing municipal limits of the electric municipality and within the existing municipal limits of each other municipality”

and further at page 3, line 6 by adding after the word “of” the following:

“electric municipalities and corporate limits of other”

and further at page 5, line 27 by inserting prior to the beginning of section 3 of the bill, the following additional definitions:

“(k) ‘Electric Municipality’ means any incorporated city, town or other municipality in the state of Alabama which owns, maintains, and operates, or causes to be owned, maintained and operated its own electric distribution system. If any city, town or other municipality has heretofore created and established, or hereafter creates and establishes, a public corporation pursuant to section 11-50-310 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority pursuant to section 39-7-1 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, then the words ‘Electric Municipality’ shall refer to the public corporation, improvement authority, utility board or municipal power district, as the case may be, and not to the city, town or other municipality creating and establishing it, unless the context indicates otherwise, so that the public corporation, improvement authority, utility board or municipal power district shall exercise all powers granted by this act to, and undertake all obligations imposed by this act on, the city, town or other municipality creating and establishing it.

(l) ‘Other Municipality’ means any incorporated city, town or other municipality in the state of Alabama which does not own, maintain, or operate its own electric distribution system or causes to be owned, maintained or operated its own electric distribution system, and has not heretofore created and established and does not hereafter create and establish, a public corporation pursuant to section 11-50-310 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority pursuant to section 39-7-1 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import

and further at page 5, line 28 by adding after the word “Limits” the following:

“of Electric Municipalities and Existing Municipal Limits of Other Municipalities”

and further at page 5, line 30 by adding after the word “limits” the following:

“of electric municipalities plus an area 25% greater than the area contained within the existing municipal limits of the electric municipality and outside existing municipal limits of other municipalities”

and further at page 6, line 8 by adding after the word "limits" the following:

"of electric municipalities and existing municipal limits of other municipalities"

and further at page 6, line 13 by adding after the word "outside" the following:

"an area 25% greater than the area contained within the"

and further at page 6, line 13 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 6, line 24 by adding after the word "outside" the following:

"an area 25% greater than the area contained within the"

and further at page 6, line 24 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 6, line 33 by adding after the word "limits" the following:

"of electric municipalities plus an area 25% greater than the area contained within the existing municipal limits of the electric municipality and within existing municipal limits of other municipalities"

and further at page 7, line 4 by adding after the word "outside" the following:

"an area 25% greater than the area contained within the"

and further at page 7, line 4 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 8 by adding after the word "outside" the following:

"an area 25% greater than the area contained within the"

and further at page 7, line 9 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 18 by adding after the word "outside" the following:

"an area 25% greater than the area contained within the"

and further at page 7, line 19 by adding after the word "limits" the following:

“of electric municipalities and outside existing municipal limits of other municipalities”

and further at page 8, line 4 by adding after the word “within” the following:

“an area 25% greater than the area contained within the”

and further at page 8, line 4 by adding after the word “limits” the following:

“of electric municipalities and within existing municipal limits of other municipalities”

and further at page 8, line 19 by adding after the word “Within” the following:

“and Beyond the Municipal Limits of Electric Municipalities and Within the Municipal Limits of Other”

and further at page 8, line 22 by adding after the word “Within” the following:

“and Beyond”

and further at page 8, line 22 by adding after the word “Limits” the following:

“of Electric Municipalities and Existing Municipal Limits of Other Municipalities”

and further at page 8, line 24 by adding after the word “municipality” the following:

“, and, in the case of an electric municipality, within an area 25% greater than the area contained within its existing municipal limits,”

and further at page 8, line 27 by adding after the word “limits” the following:

“of each electric municipality plus an area 25% greater than the area contained within its existing municipal limits and within the existing municipal limits of each other municipality”

and further at page 8, line 28 by adding after the word “limits” the following:

“of each such electric municipality plus an area 25% greater than the area contained within its municipal limits and within the existing municipal limits”

and further at page 8, line 28 by adding after the word “such” the following:

“other”

and further at page 8, line 31 by adding after the word “option” the following:

“respecting the distribution facilities of secondary suppliers within the existing municipal limits of electric municipalities plus an area 25% greater than the area contained within those municipal limits and within the existing municipal limits of other municipalities”

and further at page 9, line 2 by adding after the word “Act” the following sentence:

"The primary electric supplier must announce its intention to exercise its option respecting the distribution facilities of secondary suppliers in areas annexed within an area 25% greater than the area contained within the existing municipal limits of electric municipalities to electric municipalities in writing by registered or certified mail to the affected secondary suppliers within the annexed area, addressed to the chief executive officer or manager of such secondary supplier, no later than nine (9) months after the effective date of the annexation of the affected area."

and further at page 11, line 5 by adding after the word "municipality" the following:

“, and, as areas within an area 25% greater than the area contained within its existing municipal limits are annexed by the electric municipality, within those annexed areas”

and further at page 11, line 15 by adding after the word “limits” the following:

“of the electric municipality plus an area 25% greater than the area contained within its existing municipal limits or within the existing municipal limits”

and further at page 11, line 15 by adding after the word “the” and before the word “municipality” the following:

“other”

and further at page 11, line 15 by adding after the word “municipality” the following:

“, as the case may be,”

and further at page 12, line 16 by adding before the word “municipal” the following:

“municipal limits of any electric municipality plus an area 25% greater than the area contained within its existing municipal limits and within the existing”

and further at page 12, line 17 by adding after the word “any” the following:

“other”

and further at page 14, lines 18 and 19 by deleting the following:

“within the existing municipal limits”

and substituting therefor the following:

“being served by the distribution facilities subject to the purchase option”

and further at page 14, line 28 by adding after the word “limits” the following:

“of an electric municipality plus an area 25% greater than the area contained within its existing municipal limits and within the existing municipal limits of an other municipality”

and further at page 15, line 11 by adding after the word “limits” the following:

“of an electric municipality plus an area 25% greater than the area con-

tained within its existing municipal limits and within the existing municipal limits of an other municipality”

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Penry to the bill, S. 321, was tabled.

Yeas 68; Nays 22.

Yeas:

Reps.: Adams, Albright, Beers, Biddle, Blake, Blakeney, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McNair, Marietta, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Thomas, Trammell, Turner, Venable and Zoghby.

—68

Nays:

Reps.: Bachus, Black, Bowling, Brooks, Browder, Carothers, Carter, Clark (D), Goodwin, Harper, Hettinger, Johnson (R.G.), McMillan, Martin, Mathis, Parker, Penry, Reed, Rice, Tanner, Warren and White (L).

—22

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Penry to indefinitely postpone the bill, S. 321, was lost.

Yeas 16; Nays 77.

Yeas:

Reps.: Bowling, Browder, Carothers, Clark (D), Goodwin, Hettinger, Johnson (R.G.), McDowell, McMillan, Martin, Penry, Reed, Rice, Warren, White (F) and White (L).

—16

Nays:

Reps.: Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Thomas, Trammell, Turner, Venable, White (G) and Zoghby.

—77

And the bill, S. 321, was read a third time at length and passed.

Yeas 82; Nays 19.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (G) and Zoghby.

—82

Nays:

Reps.: Albright, Bowling, Brooks, Browder, Butler, Carothers, Carter, Clark (D), Goodwin, Hettinger, Johnson (R.G.), McDowell, Martin, Penry, Reed, Rice, Warren, White (F) and White (L).

—19

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Campbell offered the motion to reconsider the vote by which the bill, S. 321, was passed, and to table his motion to reconsider the vote, and the motion to table was adopted.

Yeas 78; Nays 20.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Clark (J), Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (G) and Zoghby.

—78

Nays:

Reps.: Albright, Bowling, Brooks, Browder, Butler, Carothers, Carter, Clark (D), Clark (W), Goodwin, Hettinger, Johnson (R.G.), McDowell, Martin, Penry, Reed, Rice, Warren, White (F) and White (L).

—20

And the bill:

H. 701. Relating to the city of Huntsville, Alabama; providing further for the city council by providing for election of the members of such council from certain defined districts; providing for certain concurrent terms of office for such members.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 2.

Yeas:

Reps.: Albright, Biddle, Black, Blakeney, Bowling, Brakefield, Britnell, Bugg, Buskey (James), Buskey (John), Carter, Clark (D), Clark (W), Escott, Faulk, Flowers, Fuller, Gaston, Gray, Hall, Hammett, Harper, Harvey, Holmes, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mitchell, Moore, Newman, Nicholson, Onderdonk, Penry, Pratt, Rains, Richardson, Rogers, Spratt, Starr, Tanner, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—53

Nays:

Reps.: Brooks and Hettinger.

—2

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Hall offered the motion to reconsider the vote by which the bill, H. 701, was passed, and the motion to reconsider was adopted.

And the bill, H. 701, was again taken up.

H. 701 TEMPORARILY POSTPONED

On motion of Rep. Hettinger, the bill, H. 701, was temporarily postponed.

And the bill:

H. 696. Relating to the abandonment of the commission form of government by Class 7 municipalities; providing for the call of a referendum on the adoption of a mayor-council form of government with five (5) single-member districts; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, all legal proceedings, and pension funds; providing for the continuation of all subordinate agencies of the municipality and all ordinances; providing for an effective date of this act, the repeal of all conflicting laws, and the severability of the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 1.

Yeas:

Reps.: Albright, Bachus, Biddle, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Burke, Buskey (James), Clark (D), Clark (W), Coleman, Crow, Escott, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Hall, Harper, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Rains, Rice, Rogers, Seibels, Smith,

Spratt, Tanner, Trammell, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—58

Nay: Rep. Browder.

—1

And the bill:

H. 637. Establishing the powers and authority of district attorney's investigators of the fourteenth judicial circuit of Alabama.

Was taken up.

AMENDMENT OFFERED

Rep. Nicholson offered the following amendment to the bill, H. 637:

On line 13 after the word "authority" insert:

and requirements

On line 20, after the period insert:

All investigators employed by the district attorney's office of the fourteenth judicial circuit shall meet the minimum standards required of law enforcement officers as provided in Section 36-21-46, Code of Alabama 1975, or as otherwise provided by general law.

After line 22 enter the following new Section 3:

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

On line 23 delete the number "3" and insert in lieu thereof:

4

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Reps.: Adams, Albright, Bachus, Biddle, Black, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carothers, Clark (W), Coleman, Crow, Davis, Escott, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harvey, Hettinger, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lindsey, McMillan, Marietta, Mathis, Melton, Mitchell, Moore, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Rains, Rice, Rogers, Seibels, Smith, Spratt, Tanner, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—63

And the bill:

H. 637. Establishing the powers and authority and requirements of district attorney's investigators of the fourteenth judicial circuit of Alabama.

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As amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 1.

Yeas:

Reps.: Albright, Bachus, Beers, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brook, Bryant, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harvey, Hettinger, Hooper, Horn, Junkins, Kennedy, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Rice, Rogers, Seibels, Smith, Spratt, Tanner, Turnham, Venable, White (F), White (G) and Zoghby.

—67

Nay: Rep. Adams.

—1

And the bill:

H. 779. Relating to Talladega County; authorizing certain county health officers or administrators to issue official death certificates, levy and collect fees therefor; and providing for the distribution of such revenues for county health purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0

Yeas:

Reps.: Albright, Bachus, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Clark (D), Clark (W), Coleman, Crow, Davis, Escott, Ford, Fuller, Gaston, Goodwin, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Rogers, Seibels, Smith, Spratt, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—70

And the bill:

H. 792. To authorize and make provision for the incorporation in the City of Opelika of the Opelika Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Opelika; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection there-

with whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for

the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

Was taken up.

AMENDMENT OFFERED

Rep. Rice offered the following amendment to the bill, H. 792:

Amend H. B. 792, page 1, line 18 after the word "the" by striking ~~central~~ and inserting in lieu thereof the following:

central

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Reps.: Albright, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Crow, Escott, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Hettinger, Hooper, Horn, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Rogers, Seibels, Smith, Spratt, Starr, Tanner, Trammell, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—62

And the bill:

H. 792. To authorize and make provision for the incorporation in the City of Opelika of the Opelika Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Opelika; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived

from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a

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fidelity bond equal to the amount of any public funds held by the Authority.

As thus amended, was read a third time at length and ordered engrossed.

Yeas 69; Nays 0.

Yeas:

Reps.: Albright, Beers, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (W), Crow, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Rogers, Seibels, Smith, Spratt, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—69

And the bill:

H. 796. Relating to Clarke County; levying an additional ad valorem tax in the county to be used for school purposes and for the county general fund and providing for a referendum on such additional taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Reps.: Beers, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (W), Coleman, Crow, Gaston, Gray, Hall, Harper, Harvey, Hettinger, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Rice, Seibels, Spratt, Tanner, Turner, Turnham, White (F), White (G), White (L) and Zoghby.

—53

And the bill:

H. 814. Relating to Lee County: providing certain annual salaries for the probate judge, sheriff, tax assessor, and tax collector.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Reps.: Bachus, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (W), Crow, Escott, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hettinger, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Mathis, Mitchell, Moore, Newman, Onderdonk, Parker,

Penry, Perdue, Pratt, Preuitt, Rains, Rice, Spratt, Starr, Tanner, Turner, Turnham, White (F), White (G), White (L) and Zoghby

—54

And the bill:

H. 412. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing Mobile County under certain conditions to issue its general obligation bonds for the purpose of refunding any one or more issues of Outstanding Securities (as defined herein), to be additionally secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to said Constitution, as amended; authorizing Mobile County to apply proceeds of the Special Tax (as defined herein), whether or not any such bonds are issued, for payment of the Outstanding Securities; providing that none of the said bonds shall be chargeable against the limitation on the indebtedness of Mobile County contained in Section 224 of said Constitution and specifying certain details pertaining to the said bonds and leases.

Was taken up.

AMENDMENT OFFERED

Rep. Box offered the following amendment to the bill, H. 412:

Amend House Bill 412 on page 2, Section A, on line 9 after "September 30, 1979," by adding the following:

and prior to February 1, 1984,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Reps.: Bachus, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Crow, Davis, Escott, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Rice, Rogers, Sasser, Seibels, Spratt, Starr, Tanner, Trammell, Turner, Turnham, White (F), White (G), White (L) and Zoghby.

—62

And the bill, H. 412, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Reps.: Bachus, Beers, Black, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Cosby, Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Harper, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk,

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Penry, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—73

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Zoghby, the rules were suspended in order to take up out of order the bill, H. 608.

Yeas 8; Nays 2.

Yeas:

Reps.: Box, Buskey (James), Clark (W), Gaston, Kennedy, Kvalheim, Turner and Zoghby.

—8

Nays: Reps.: Harper and Marietta.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 608. Relating to Mobile County, to amend further Section 5 of an Act No. 242, S. B. 79, 1876 of the general assembly approved February 15, 1876 which regulates public schools in the County, as last amended by Act No. 480, S. 485, 1969 Regular Session (Acts 1969, p. 937), which relates to the county board of education, so as to remove language which gives the board's express consent to be sued.

Was taken up.

AMENDMENT OFFERED

Rep. Buskey (James) offered the following amendment to the bill, H. 608:

In Section 1, in the quoted Section 5, page 2, line 8, between the word "sue" and the semi-colon, add the words:

and contract

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 11; Nays 0.

Yeas:

Reps.: Box, Brooks, Buskey (James), Clark (W), Escott, Gaston, Kennedy, Kvalheim, Pratt, Turner and Zoghby.

—11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Buskey (James) offered the following amendment #2 to the bill, H. 608, as amended:

Amend House Bill 608 on page 1, line 12, after the phrase "tion" by changing the comma (,) to a period (.) and striking the remainder of lines 12 and 13.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 11; Nays 0.

Yeas:

Reps.: Box, Brooks, Buskey (James), Clark (W), Fuller, Gaston, Kennedy, Kvalheim, Turner, White (G) and Zoghby.

—11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the passage of the bill, H. 608 as amended.

MOTION TO TEMPORARILY POSTPONE

Rep. Harper offered the motion to temporarily postpone further consideration of the bill, H. 608 as amended.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Turner to postpone further consideration of the bill, H. 608 as amended, to the twenty-third legislative day, was adopted.

Yeas 12; Nays 1.

Yeas:

Reps.: Brooks, Bryant, Buskey (James), Buskey (John), Clark (W), Gaston, Harper, Kennedy, Kvalheim, Marietta, Turner and Zoghby.

—12

Nay: Rep. Box.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 608 POSTPONED

The bill, H. 608 as amended, was postponed to the twenty-third legislative day.

And the bill:

H. 795. Relating to the City of Clanton in Chilton County; to alter the corporate boundaries so as to include additional lands within the corporate limits; and to provide for a referendum thereon.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 17; Nays 0.

Yeas:

Reps.: Biddle, Blakeney, Brakefield, Brooks, Bryant, Buskey (John), Butler, Escott, Hettinger, Hooper, Kvalheim, Marietta, Onderdonk, Poole, Smith, Starr and Tanner.

—17

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 723. Relating to Hale County; to authorize the Hale County Commission to appoint, under the rules of the merit system of the state of Alabama a county health administrator with full administrative authority of the Hale County Health Department and to provide for the duties of such officer.

Was taken up.

H. 723 INDEFINITELY POSTPONED

On motion of Rep. Poole, the bill, H. 723, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Penry, the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced:

By Reps. Penry, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta,

Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. R. 283. COMMENDING THE SECRETARIAL STAFF OF THE HOUSE OF REPRESENTATIVES.

WHEREAS, members of the Alabama House of Representatives are cognizant that the smooth operation of House business may be attributed in large measure to the technical skills and capabilities of our secretarial staff; and

WHEREAS, in actuality, our secretaries often function as executive assistants whose responsibilities reflect the importance of their roles; and

WHEREAS, all too often we are remiss in expressing gratitude to these capable employees, and it is appropriate that we pause for a moment to honor our dedicated secretaries whose important contributions are vital to the successful completion of our responsibilities to the State of Alabama; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we are indeed grateful to the secretaries of the House Staff and direct that a copy of this resolution be provided for appropriate display in public recognition of appreciation for their services and dedicated loyalty.

On motion of Rep. Penry, the rules were suspended and the resolution, H. R. 283, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 802. Relating to Mobile County; authorizing the county commission to extend, by resolution, the meeting days of the board of registrars during certain months as merited by certain circumstances and providing that this act shall be retroactive to May 1, 1982.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 21; Nays 0.

Yeas:

Reps.: Blakeney, Box, Brooks, Bryant, Buskey (John), Clark (W), Gaston, Grayson, Harper, Hettinger, Horn, Kennedy, Kvalheim, Marietta, Mikell, Rogers, Spratt, Tanner, Turner, White (G) and Zoghby.

—21

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 803. Relating to the City of Prichard in Mobile County, Alabama;

providing a certain reopening period for certain city employees and city library employees to become members of the "Municipal Employees Pension and Relief Fund" as provided for in Act No. 107, H. 150, of the 1956 Special Session (Acts 1956, p. 154), as amended, and prescribing rules and regulations relative to payment of necessary contributions to such fund for such employees who become members of such system as provided by this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 19; Nays 0.

Yeas:

Reps.: Box, Brooks, Bryant, Butler, Campbell, Grayson, Hettinger, Hooper, Horn, Kennedy, Lindsey, Marietta, Onderdonk, Rains, Reed, Rogers, Spratt, Thomas and White (G).

—19

PRESENCE OF QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 804 POSTPONED

On motion of Rep. Clark (W), the bill, H. 804, was postponed to the twenty-fourth legislative day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Biddle, the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced:

By Rep. Biddle:

H. J. R. 284. DESIGNATING APRIL 30—MAY 6, 1984, AS BOBBY ALLISON WEEK IN ALABAMA.

WHEREAS, Robert Arthur Allison of Hueytown, Alabama, is a veteran stock car racer who has carved for himself a niche in sports annals and, in so doing, has earned more than \$4 million in prize money; and

WHEREAS, Bobby Allison, one of the sport's most popular drivers with fans and drivers alike, has been five times voted Most Popular Driver of the NASCAR Circuit by his fellow competitors, is the recipient of the prestigious Olsonite Driver of the Year Award by a panel of top national sports writers, and is a member of the Alabama Sports Hall of Fame; and

WHEREAS, among Mr. Allison's victories, too numerous to list, are 79 Winston Cup wins, 47 superspeedway wins, 22 superspeedway poles and, in 1983, the Winston Cup Grand National Championship; already to his credit in '84, is a new Rockingham, North Carolina, track record of 122.93 miles per hour, and a big "win" in the Warner W. Hodgdon Carolina 500, both early events of this year's NASCAR 30-Race Winston Cup circuit; and

WHEREAS, Bobby Allison is indeed the superstar of NASCAR and it

is entirely appropriate that he be honored by the State to which he has brought great fame and distinction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate April 30—May 6, 1984, as Bobby Allison Week in the State of Alabama.

BE IT FURTHER RESOLVED, That Mr. Allison receive a copy of this resolution as a memento of this honorary designation of the Alabama Legislature.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. J. R. 284, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Venable, the rules were suspended in order to take up out of order the bill, H. 349.

And the bill:

H. 349. To amend Section 35-10-8, Code of Alabama 1975, relating to how notices of mortgage foreclosure sales are made, so as to provide how the notice of sale is made when there is no newspaper published in the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Reps.: Adams, Beers, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (W), Cosby, Davis, Faulk, Gaston, Goodwin, Grayson, Hammett, Hettinger, Hooper, Horn, Junkins, Kennedy, Kvalheim, Marietta, Mathis, Mikell, Mitchell, Nicholson, Onderdonk, Parker, Penry, Rains, Reed, Rice, Sasser, Spratt, Starr, Thomas, Trammell, Turner, Warren, White (F), White (G), White (L) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER RESUMED

And the bill:

H. 77. (With Amendment): To amend Section 9-14-27, Code of Alabama 1975, as last amended, relating to length of term of concession contracts, so as to extend the allowable term for state park concession contracts from six to ten years and the maximum term where major expenditures are made by concessionaire from twelve to twenty years.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Natural Resources, said committee amendment being as follows:

Amend H. B. 77, page 1, Section 1, lines 29 through 35 by striking in its entirety and substituting in lieu thereof the following:

No concession contract shall be granted, the term of which exceeds six years, unless the concessionaire is required by the terms of the contract to expend major monetary sums for the purpose of improving, furnishing, equipping or enlarging existing facilities or constructing and/or furnishing additional facilities on the concession premises. In the event such major expenditures are made or required to be made by a concessionaire, the term of his concession contract may be extended, but in no event exceed 20 years."

And the amendment was adopted.

Yeas 52; Nays 0.

Yeas:

Reps.: Beers, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Cosby, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Hettinger, Horn, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Lauderdale, Mikell, Nicholson, Parker, Payne, Rains, Reed, Richardson, Rogers, Sasser, Smith, Spratt, Starr, Tanner, Thomas, Turner, Venable, Warren, White (F), White (G) and White (L).

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 77, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Reps.: Beers, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Escott, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Hettinger, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Mikell, Moore, Nicholson, Parker, Poole, Rains, Reed, Richardson, Rogers, Sasser, Smith, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—60

And the bill:

H. 671. (With Amendment): Relating to Mobile County; to amend Sections 1, 2, 3, 4, 5, 6, 9, 10, 13, 15, 16 and 18 of Act No. 2431, H. 2569 Regular Session 1971 (acts 1971, p. 3880 et. seq.) as amended, which relates to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; to provide for and create a County Racing Commission for the regulation, licensing and supervision of dog racing and wagering thereon, etc., so as to provide further for the appointment, qualifications, terms and compensation of members of the racing commission and to provide for a maximum amount of

time, prior to expiration of a term that a racing commissioner may be appointed; to provide further for the duties and responsibilities of the treasurer of the racing commission; to provide further for the compensation of a counsel for the racing commission; to provide further for the duty of racing commission to make certain annual reports; to provide further for age requirements of certain employees; to provide further for the issuance of permits or licenses; to provide for additional withholding from pari-mutuel pools in certain instances and to provide for the use thereof; to provide for additional pari-mutuel betting; and to provide for distribution of outstanding unredeemed mutuel tickets.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. B. 671 beginning on line 4, page 8 through line 29, page 10 by deleting Section 15 in its entirety and inserting in lieu thereof the following new Section:

"Section 15. Every licensee conducting race meetings under the provisions of this act, shall pay to the Racing Commission for the use of the Commission, a tax in an amount equal to eight (8%) percent of the total contributions to all pari-mutuel pools conducted or made on any race track licensed under this act. The Commission of a licensee on a pari-mutuel pool shall in no event exceed eighteen (18%) percent of the amount contributed to said pari-mutuel pool, except as herein provided, which amount shall include the eight percent (8%) tax heretofore provided. In addition to the eighteen (18%) percent herein authorized to be withheld from pari-mutuel pools the licensee may deduct an additional two (2%) percent from all pari-mutuel betting pools where the bettors are required to select three or more dogs, which shall be added to the commission of the licensee. After the deduction of the percentages for the use of the Commission and the percentage commission of the licensee the remainder of the total contributions to each pool shall be divided among and redistributed to the contributors to such pools betting on the winning dog. The amount of each redistribution for each winning bet placed shall be determined by dividing the total amount remaining in the pool after the deductions hereinabove provided for by the number of bets placed on the winning dog. Each redistribution shall be made in a sum equal to the next lowest multiple of ten. The licensee is entitled to retain one-half ($\frac{1}{2}$) of the odd cents on all redistributions to be known as the "breaks to a dime." The remaining one-half ($\frac{1}{2}$) of the "breaks" shall be paid to the Racing Commission for the use of the Commission as a "breaks tax." Under the pari-mutuel system of wagering herein provided, the licensee shall be permitted to provide separate pools for betting for win, place, and show and also a daily double pool, a quiniela pool, a double quiniela pool, and any other type of pari-mutuel betting permitted by the Racing Commission. Each pool shall be redistributed separately as herein provided. Should there be no ticket bet on the winning dog, the entire pool will be divided among the holders of tickets on the dog running next in line until the pool has been redistributed to the contributors. The licensee shall be required to use a totalizer machine to record the wagering and compute the odds. Rules and regulations governing the operation of each of the pools shall be set out in book form by the Racing Commission. Amounts due on outstanding unredeemed mutuel tickets, which represents the winning tickets not presented for payment shall be distributed in accordance with rules and regulations promulgated by the Racing Commission.

The licensee shall collect from each person attending the race meetings under the provisions of this act fifteen percent (15%) of the established admission price or ten cents, whichever sum is the greater, as an admission tax. Licensees shall make payment of such taxes to the Racing Commission every seventh calendar day of any and every race meeting, which payment shall be accompanied by a report on the races covered by such report and such other information as the Commission may require.

And the amendment was adopted.

Yeas 42; Nays 2.

Yeas:

Reps.: Beers, Blake, Blakeney, Box, Britnell, Bryant, Buskey (James), Buskey (John), Carter, Clark (J), Clark (W), Coleman, Cosby, Davis, Gaston, Grayson, Grouby, Harper, Hettinger, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Marietta, Mathis, Poole, Rains, Reed, Rice, Rogers, Smith, Spratt, Thomas, Trammell, Turner, Warren, White (G), White (L) and Zoghby.

—42

Nays: Reps.: Brooks, and Holley.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Marietta offered the following amendment to the bill, H. 671 as amended:

Amend House Bill 671 on Page 12, Section 18, Subsection (b), line 15 after the period by striking the remaining language on line 15 and delete lines 16 through 20 in their entirety and insert in lieu thereof the following new language:

As used in this Section, the term "Law Enforcement Officer" means a full time law enforcement officer of a municipality or county, meeting the minimum standards requirements for law enforcement officers, who are authorized as such officials to preserve the peace, regulate traffic, investigate crimes, or apprehend criminals. It shall not include purely clerical, janitorial, or maintenance employees, and the term "Firefighter" means a full time employee of a municipality of a county, meeting the minimum standards requirements for firefighters, whose primary responsibilities are to prevent, investigate, fight or suppress fires, perform emergency medical services, or training and supervision of those who perform these tasks. It shall not include purely clerical, janitorial or maintenance employees. The funds shall be administered by a seven (7) member board of trustees who shall be required to give bond in the amount of \$100,000.;

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 36; Nays 2.

Yeas:

Reps.: Beers, Blake, Box, Britnell, Bryant, Buskey (James), Buskey (John), Clark (J), Clark (W), Coleman, Davis, Gaston, Gray, Grayson, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, Marietta, Newman, Payne, Rains, Rogers, Spratt, Starr, Thomas, Turner, White (G), White (L) and Zoghby.

—36

Nays: Reps.: Brooks and Holley.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 671, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 32; Nays 6.

Yeas:

Reps.: Beers, Blake, Box, Britnell, Bryant, Buskey (James), Buskey (John), Carter, Clark (W), Davis, Escott, Fuller, Gaston, Harper, Hettinger, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, Marietta, Newman, Rains, Rogers, Spratt, Thomas, Turner, White (G), White (L) and Zoghby.

—32

Nays: Reps.: Brooks, Butler, Holley, Mikell, Mitchell and Smith.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 219. To require all persons born on or after October 1, 1971, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to prohibit the issuance of any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1971, and of 16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor certification procedure, and to approve other courses; to provide penalties for violation of this bill.

Was taken up.

MOTION TABLED

On motion of Rep. Onderdonk, the motion offered by Rep. Carothers to substitute the bill, S. 252, for the bill, H. 219, was tabled.

Yeas 46; Nays 28.

Yeas:

Mr. Speaker, Albright, Bachus, Beers, Biddle, Blakeney, Box, Bryant, Bugg, Buskey (James), Buskey (John), Clark (J), Clark (W), Coleman, Cosby, Davis, Escott, Gray, Grayson, Hall, Harvey, Holley, Johnson (Roy), Junkins, Kennedy, McDowell, McNair, Melton, Moore, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Rains, Rogers, Sasser, Spratt, Thomas, Turner, Warren, White (F), White (G) and Zoghby.

—46

Nays:

Reps.: Blake, Bowling, Brooks, Browder, Carothers, Carter, Crow, Dutton, Flowers, Gaston, Hammett, Harper, Hettinger, Johnson (R.G.), Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mitchell, Penry, Preuitt, Rice, Richardson, Smith, Turnham, Venable and White (N).

—28

H. 219 TEMPORARILY POSTPONED

On motion of Rep. Carothers, the bill, H. 219, was temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holmes, the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced:

By Rep. Holmes:

H. R. 285.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we hereby request the Governor to appeal the decision of the Montgomery Circuit Court relating to the so called Budget Isolation Amendment to the Supreme Court of Alabama in order that the Supreme Court can render a final decision on this matter.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Holmes offered the motion to suspend the rules and adopt the resolution, H. R. 285.

DIVISION OF THE QUESTION

Rep. Payne called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Holmes to suspend the rules in order to take up for immediate consideration the resolution, H. R. 285, and the motion was lost, lacking a four-fifths vote.

Yeas 32; Nays 28.

Yeas:

Mr. Speaker, Albright, Black, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Fuller, Grayson, Hall, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, McDowell, Melton, Moore, Newman, Nicholson, Parker, Perdue, Reed, Rogers, Spratt, Tanner, Thomas, Turner, and White (F).

—32

Nays:

Reps.: Bachus, Beers, Blakeney, Box, Brakefield, Brooks, Cosby, Flowers, Gaston, Grouby, Hammett, Harper, Harvey, Hettinger, Kvalheim, McKee, McMillan, Mathis, Mikell, Onderdonk, Payne, Penry, Preuitt, Rice, Turnham, Venable, White (G) and White (L).

—28

The resolution, H. R. 285, was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Clark (J), the rules were suspended in order to take the call of Districts for the Introduction of Bills.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Reed (With Notice and Proof):

H. 879. Relating to Macon County; to provide an additional office expense allowance for the county director of pensions and security.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 879, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Reed (With Notice and Proof):

H. 880. Relating to Macon County; to provide for a secretary-office manager for the county legislative delegation; to provide office space for said official.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

REGULAR SESSION
22nd Day

1439

TACHED TO THE BILL, H. B. 880, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Reed (With Notice and Proof):

H. 881. Relating to Macon County; providing for the election of the members of the county governing body by districts and requiring that each be elected by the qualified electors residing only within his district.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 881, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Reed (With Notice and Proof):

H. 882. Relating to Macon County; providing for election of the members of the county board of education from certain districts which shall be the same as those districts served by county commissioners and providing for a chairman for such board to be elected from the county at-large.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 882, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Reed (With Notice and Proof):

H. 883. Relating to Macon County; providing further for the deposit and disposition of fees and charges collected by the Judge of Probate of Macon County, pursuant to Act No. 81-584, H. 978, 1981 Regular Session (Acts 1981, p. 969) and Act No. 81-588, H. 1007, 1981 Regular Session (Acts 1981, p. 973), which acts relate to costs for recordings and filings of petitions, so as to provide all such funds shall be deposited to the probate office to be expended for purposes of the probate office, as determined in the sole discretion of the judge of probate; and making the provisions of this act retroactive to May 17, 1981.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 883, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Reed (With Notice and Proof):

H. 884. Relating to Macon County; providing for a full-time chairman at the discretion of the county commission until the general election of 1986; providing that in 1986 such chairman shall be elected at-large from the county; authorizing the county commission to set the salary of the chair-

man within a certain limit and authorizing the chairman to employ an administrative assistant within a certain salary range and other necessary personnel.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 884, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Goodwin and Coburn (With Notice and Proof):

H. 885. Relating to the city of Muscle Shoals; and to provide further for the compensation of the members and chairman of the Utilities Board of the City of Muscle Shoals.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 885, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Reed (With Notice and Proof):

H. 886. Proposing an amendment to the Constitution of 1901; relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Macon County.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 886, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Box, Mathis, Campbell, Beers, Butler, Starkey, Horn, Spratt, Rogers, Perdue, Albright, Grayson, Hettinger, Burke, Johnson (Roy), Brooks, Dutton, Fuller, White (L), Lindsey, Hooper, White (F), Nicholson, Cosby, Marietta, Gaston, Kennedy, Clark (W), Sasser, Blake, Gray, Coleman, Zoghby, Smith, McMillan, Poole, Richardson, Clark (J), Penry, Kvalheim, and Turner:

H. 887. Proposing an amendment to the Constitution of Alabama to amend Amendment No. 425 by further providing for certain procedures that will allow proposed constitutional amendments which affect or apply to only one county to be adopted as an amendment to the constitution by a

majority vote of the qualified electors of the county affected voting thereon the proposed amendment.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Box, Mathis, Campbell, Beers, Butler, Starkey, Horn, Spratt, Rogers, Perdue, Albright, Grayson, Burke, Johnson (Roy), Dutton, Fuller, White (L), Lindsey, Hooper, White (F), Warren, Cosby, Marietta, Gaston, Clark (W), Sasser, Blake, Gray, Coleman, Zoghby, Smith, McMillan, Poole, Richardson, Clark (J), Penry, Kvalheim, and Turner:

H. 888. To amend Sections 11-54-170 and 11-54-171, Code of Alabama 1975, which authorize to make provisions for the incorporation in any Class 1, Class 2 or Class 3 municipality, of Commercial Development Authorities for the purpose of promoting trade and commerce, so as also to provide for the incorporation of such authorities in any Class 7 or Class 8 municipality.

Committee on Local Government.

By Reps. Fuller and Laird (With Notice and Proof):

H. 889. Relating to Chambers County; to provide further for the salary of the coroner.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 889, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Tanner (With Notice and Proof):

H. 890. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 890, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Parker (With Notice and Proof):

H. 891. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint City.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 891, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Parker (With Notice and Proof):

H. 892. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Trinity, in Morgan County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL H. B. 892, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Tanner (With Notice and Proof):

H. 893. To amend the title and sections 1, 2, 5, 6, 8, 9, 10, 11, 12, 13 and 15 of Act No. 82-693, H. 57 of the Second Special Session of 1982 (Acts 1982, p. 144) which created and established the Shelby County Planning Commission, so as to provide further for the membership, organization, authority and function of the commission and to specifically repeal section 16 of said act which provided for ratification, validation and approval of Act No. 816 approved September 2, 1965 and actions taken by the Shelby County Planning Commission, officials and electors of the county as of the date they were taken.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL H. B. 893, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk

By Reps. Carter and Clark (D) (With Notice and Proof):

H. 894. Relating to the City of Athens; authorizing the governing body of such municipality to adopt ordinances to provide for the protection of the historic character of the City of Athens; and providing for a Historic Preservation Commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 894, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Campbell:

H. 895. To amend Section 11-46-23, Code of Alabama, 1975, relating

to adjusting election ward lines, so as to provide for certain adjustments made to comply with the Voting Rights Act of 1965.

Committee on Judiciary.

By Rep. Grayson:

H. 896. To amend Sections 16-49-26 and 16-49-27, Code of Alabama 1975, which provide for the meetings and quorum of the Board of Trustees of Alabama Agricultural and Mechanical University, so as to provide further for said meetings and quorum.

Committee on State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 149. COMMENDING GOVERNOR JOHN M. PATTERSON UPON HIS APPOINTMENT TO THE ALABAMA COURT OF CRIMINAL APPEALS.

Also:

S. J. R. 176. WELCOMING, IN COMMENDATION, PRESIDENT JIMMY CARTER TO THE STATE OF ALABAMA.

MCDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 198. To amend Section 9-11-257, Code of Alabama 1975, as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to prohibit any person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, to hunt or discharge any firearm from, upon, or across any public road, public highway, or railroad, or their rights-of-way, logging railroads excepted; and to further prohibit any person to hunt within 100 yards of a public road, public highway, or railroad, or their rights-of-way, logging railroads excepted, with rifle or shotgun using slug or shot larger than standard number four in size, and to provide penalties for the violation thereof.

Was taken up.

H. 198 POSTPONED

On motion of Rep. Carter, the bill, H. 198, was postponed to the twenty-third legislative day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Cosby, the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced:

By Rep. Cosby:

H. R. 286. INVITING "JULIA TUTWILER," AS PORTRAYED BY MRS. KATHRYN TUCKER WINDHAM, TO PERFORM FOR THE HOUSE OF REPRESENTATIVES AND GUESTS.

WHEREAS, the late Julia Strudwick Tutwiler, an Alabamian of great historical prominence, was the forerunner of today's involved women whose impact is felt in areas pioneered by Miss Tutwiler as long ago as 1880, during an era of Alabama's statehood in which politics were for men only; and

WHEREAS, an ardent advocate of educational opportunities for women, Miss Tutwiler also was an early champion for prison reform, whose crusade in cause fostered the movement for separate prisons for men and women and for reformatories for youthful offenders; and

WHEREAS, she further was a teacher and later president of Alabama Normal College at Livingston, established Alabama's first kindergarten and was the author of the words of our State song, "Alabama"; and

WHEREAS, though her name appears frequently in State annals, Miss Tutwiler's name also is emblazoned on the only major prison facility for women in the State of Alabama, thus commemorating the life of a great lady whose major legacy was to the women of our State; and

WHEREAS, for the benefit of the Julia Tutwiler State Prison For Women, and specifically for the construction of a prison chapel, another famous Alabama lady, Mrs. Kathryn Tucker Windham of Selma, has written a one-act play in which she performs the role of "Julia Tutwiler"; all proceeds from the benefit performance on May 10, 1984, at Montgomery's Huntingdon College will be allocated to the Tutwiler Chapel Fund; and

WHEREAS, it is our desire that in nostalgia, "Julia Tutwiler" should once gain visit our Capitol where she lobbied so many years ago, a "gentle" lady who battled alone in the political arena of the 1880's; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we herein extend an invitation for "Miss Julia Tutwiler," as portrayed by Mrs. Kathryn Windham, to appear before the House, and their Senate guests, at a date and time to be set at Mrs. Windham's convenience.

BE IT FURTHER RESOLVED, That in invitation, the Clerk of the House shall forward a copy of this resolution to Mrs. Windham.

On Motion of Rep. Cosby, the rules were suspended and the resolution, H. R. 286, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Martin, the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced:

By Reps. Martin, Drake, Carter, Parker, Dutton, Venable, Adams, Albright, Bachus, Beers, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 287. MOURNING THE DEATH OF MR. BARRETT CLINTON SHELTON OF DECATUR, ALABAMA.

WHEREAS, the Alabama Legislature expresses an entire state's grief in recording the death of Barrett Clinton Shelton of Decatur, Alabama, on Easter Sunday, April 22, 1984, at the age of 81 years; and

WHEREAS, a native of Tennessee, Mr. Shelton however had been a resident of Decatur since 1911, his early youth, and as he grew in stature, so grew his loyalty and responsible concern for his beloved community; and

WHEREAS, Mr. Shelton was an alumnus of Washington and Lee University and served as editor and publisher of the Decatur Daily for some six decades, assuming management of the family paper following the death of his father in 1923; and

WHEREAS, though a titan among journalists, Mr. Shelton was first and foremost a builder of the Decatur community, a city whose growth was nurtured through this first citizen's staunch support and promotion of mediums of economic prosperity for the area, from TVA to industry location and diversification; and

WHEREAS, the voice of "The Old Man," as he was widely and affectionately known, was heard in forums other than the newspaper page; he spoke from Goat Hill to our Nation's Capitol, before a conference of United Nations and to all who would hear, and perhaps hopefully heed, his championship in cause; and

WHEREAS, Barrett Clinton Shelton was indeed an extraordinary and uncommon man and one whose legacy in death is larger than life; throughout our State and even beyond its bounds, are lives in legion numbers that are better for his having lived; and

WHEREAS, there are those who were touched by his words of encouragement, those who were recipients of his personal financial bounty, and those of course who knew him as both benefactor and friend; he was a man

of words but, more than that, was a man of great deeds that have made and left permanent marks throughout our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in loving memory of a distinguished Alabamian whose accolades were many in life, we grievously mourn our loss but give thanks that Barrett Clinton Shelton lived among us for a while.

BE IT FURTHER RESOLVED, That in deepest sympathy copies of this resolution shall be forwarded to Mr. Shelton's wife, Mrs. Suzanne Shelton, to his son and daughter, Barrett Shelton, Jr., and Mrs. Suzanne Shirley, and other family members whose sorrow also is ours.

On motion of Rep. Martin, the rules were suspended and the resolution, H. J. R. 287, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hooper, the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced:

By Reps. Hooper, Mikell, Blakeney, Warren, McKee, Starr, Rice, Gaston, White (G), Butler, Parker, Coburn, McMillan, Marietta, Cosby, Turnham, Seibels, Grouby, Gray, Kvalheim, Flowers, Poole, Beers and Richardson:

H. J. R. 288. DECLARING MAY 3, 1984, A STATE "DAY OF PRAYER" IN ALABAMA.

WHEREAS, the founding fathers of this great nation recognized and acknowledged the need of God's divine guidance and blessing to make America strong and to keep her free; and

WHEREAS, God declares in the Scripture, "If my people, which are called by My Name, shall humble themselves, and pray and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and heal their land"; and

WHEREAS, May 3, 1984, has been declared the National Day of Prayer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby declare May 3, 1984, to be a Day of Prayer for the State of Alabama; we further encourage the people of Alabama to recognize and support said date as a State Day of Prayer, and to participate through appropriate local observances throughout Alabama.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 288, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hooper, the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Hooper:

H. R. 289. COMMENDING KATHY MANRY FOR OUTSTANDING ACHIEVEMENT.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Black, the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced:

By Rep. Black:

H. J. R. 290. MOURNING THE DEATH OF MRS. JESSIE RUTH WASHINGTON, RETIRED TEACHER AND COMMUNITY LEADER OF MELVIN, CHOCTAW COUNTY, ALABAMA.

WHEREAS, The Legislature of Alabama has grievously noted the death of Mrs. Jessie Ruth Washington, Melvin, Alabama, on April 17, 1984; and

WHEREAS, Mrs. Washington was one of Melvin and Choctaw's most prominent and respected citizens and one who had served her beloved homecounty in capacity of school teacher more than thirty years; and

WHEREAS, Mrs. Washington was a graduate of Choctaw County Training School, and Alabama State University. She was one of her university's most devoted and loyal alumni, and;

WHEREAS, in addition to her serving as a teacher, Mrs. Washington also was prominent in area civic affairs, as operating day care centers and in other civic, community and charitable affairs; she further was a longtime and active member of the Mt. Mariah Baptist Church of Melvin; and

WHEREAS, the death of Mrs. Washington has indeed left a void in the lives and hearts of all those privileged to know her as a generous, compassionate and truly gentle person; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Washington of Melvin, Alabama, and extend our most heartfelt sympathy to her beloved husband, Mr. Dossie Washington, to her daughter, and son, and other family members to whom we express shared grief and to whom a copy of this resolution shall be sent.

On motion of Rep. Black, the rules were suspended and the resolution, H. J. R. 290, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. McKee, the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced:

By Reps. McKee, Mikell, Starr, Hooper, Buskey (John) and Holmes:

H. J. R. 291. COMMENDING MRS. NELLIE WEIL OF MONTGOMERY, ALABAMA.

WHEREAS, Mrs. Nellie Weil of Montgomery, Alabama, has served with distinction for a number of years as a member of the Montgomery County Board of Education; and

WHEREAS, Mrs. Weil further is a past president of the Alabama School Boards Association, and was recently elected second vice president of the national organization; and

WHEREAS, we are pleased to note with high commendation that, in such capacity, Mrs. Weil is in line for probable election, in 1986, as president of the National School Boards Association with a membership of some 16,000 school boards nationwide; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express sincere praise of Mrs. Nellie Weil for outstanding contributions in the field of public education on the local, state and national levels; we further congratulate her on her recent election as second vice president of NSBA and direct that she receive a copy of this resolution, in recognition of achievement.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 291, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. McKee, the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced:

By Rep. McKee:

H. J. R. 292. COMMENDING LIZ NUSBAUM OF ROBERT E. LEE HIGH SCHOOL, MONTGOMERY, ALABAMA

WHEREAS, the Alabama State Council on the Arts and Humanities and the Alabama Congress of Parents and Teachers, Inc., and the State Department of Education recognizes the arts as a vital and enriching segment of children's education; and

WHEREAS, the Eighth Annual Superintendent's Visual Arts Awards are being sponsored by these three organizations to honor Alabama's talented students; and

WHEREAS, the Superintendent's Arts Award Exhibit being held in the State Capitol is representative of works that have been selected through individual school competitions, and which works were then chosen to represent city or county school systems in a statewide competition; and

WHEREAS, Liz Nusbaum, who attends the 12th grade at Robert E.

Lee High School in Montgomery, Alabama has been selected as the first place winner in the category grades 9 through 12; and

WHEREAS, Liz Nusbaum, who is the daughter of Mr. and Mrs. James W. Nusbaum of Montgomery, Alabama has been selected for achievement; and

WHEREAS, she is to be congratulated for this signal honor; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Liz Nusbaum.

BE IT FURTHER RESOLVED, That a copy of this Resolution be presented to her as a token of appreciation.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 292, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Rains, the rules were suspended for the introduction of resolutions.

RESOLUTION

The following resolutions were introduced:

By Rep. Rains:

H. J. R. 293. MOURNING THE DEATH OF MR. JAMES BOWEN CARROLL OF CROSSVILLE, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the tragic and untimely death of James Bowen Carroll of Crossville, Alabama, on March 11, 1984, at the age of just 22 years; and

WHEREAS, young Mr. Carroll lost his life as the result of an accidental drowning while en route from Boaz to Montgomery, participating in a wagon train trail ride with the Sand Mountain Saddle Club; and

WHEREAS, he was a 1979 graduate of Albertville High School where he played on the varsity football team for four years after participating in the sport throughout his youth from peewee football through his junior high school years; and

WHEREAS, Mr. Carroll, who was a farmer, was married to the former Miss Denise Hicks; he also is survived by his parents, Mr. and Mrs. T. J. Carroll, also of Crossville, and by other family members, all of whom are bereft in grief in the loss from their lives of this fine young man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of James Bowen Carroll of Crossville, Alabama, and extend our very deepest sympathy to his family, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

On Motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 293, was adopted.

Also:

By Reps. Rains, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith Spratt, Starkey Starr, Tanner, Thomas, Trammell, Turner, Turnam, Venable, White (F), White (G), White (L) and Zoghby:

H. J. R. 294. COMMENDING THE LEGISLATURE CUSTODIAL STAFFS.

WHEREAS, the Alabama Legislature expresses sincere gratitude to its custodial staffs for outstanding and dedicated service; and

WHEREAS, though long past due, our appreciation is indeed genuine; both as a group and individually, these dedicated employees are highly efficient, thoroughly capable and invariably dependable; and

WHEREAS, it is further to be noted that not only are these employees on the job daily, long before our sessions convene, but remain long after adjournment, performing a myriad of duties and responsibilities of importance to the smooth functioning of Legislative affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the custodial staffs of the House and Senate for outstanding service to the Legislature in numerous responsible capacities and trusted assignments.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the following loyal staff members and our friends: Messrs. Roosevelt Smitherman, Sam Minor and David Mays with the House of Representatives, and Messrs. Charles Moore, Johnny Brown, Giles Williams, Crawford Landers and Willie McQueen, employees of the Senate.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 294, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Richardson:

H. R. 295. CONGRATULATING MR. AND MRS. HOWARD GARNER OF JACKSON COUNTY, ALABAMA, ON THE OCCASION OF THEIR 73RD WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Reps. Kennedy, Buskey (John) and Holmes:

H. J. R. 296. COMMENDING MR. LEONARD A. HALL OF MONTGOMERY, ALABAMA, THE OAK STREET A.M.E. ZION CHURCH MAN OF THE YEAR.

WHEREAS, the Alabama Legislature, in wholehearted concurrence, joins with the Montgomery Oak Street A.M.E. Zion Church in recognizing Mr. Leonard A. Hall, of that city, as MAN OF THE YEAR; and

WHEREAS, Mr. Hall, a native Montgomerian, is a 21-year veteran employee of the United States Postal Service whose route includes the Oak Street Church which bestows said MAN OF THE YEAR distinction in recognition of Mr. Hall's extraordinary professional dedication, and in gratitude for his laudable contributions in numerous areas of civic and community concern; and

WHEREAS, in abiding faith and firm religious conviction, Mr. Hall is a Methodist by persuasion, a sound layman who most particularly serves the financial betterment of his own affiliation, the First Christian Methodist Episcopal Church of Montgomery; and

WHEREAS, additionally, however, Mr. Hall is a constant practitioner of his Christian beliefs, serving daily in counsel and advice as a father to many, as a brother to as many more, and as a friend to all; his help to his fellowman is a gift freely given and gratefully received; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express this body's highest commendation of Mr. Leonard A. Hall of Montgomery, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to Mr. Hall on the prestigious occasion of his recognition as MAN OF THE YEAR on April 27, 1984, in coincidence with Men's Day at Oak Street A.M.E. Zion Church, Montgomery, Alabama.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 296, was adopted.

Also:

By Reps. Rogers and Newman:

H. J. R. 297. COMMENDING COACH RAY WILLIAMS OF BIRMINGHAM'S WEST END HIGH SCHOOL.

WHEREAS, Coach Ray Williams, who currently serves as head football coach at West End High School in Birmingham, Alabama, has compiled a formidable record during his tenure at West End, coaching nine of his twelve teams, since 1972, all the way to the State Playoffs; and

WHEREAS, it is to be noted that Coach Williams is now a member of the faculty of his own high school alma mater where he participated in football, basketball and baseball, excelling in all three sports; he is considered one of the best athletes Birmingham has ever produced; and

WHEREAS, following high school and three years as a combat Marine during World War II, he entered Auburn University where he again was a

three-sport participant and was voted the best Auburn athlete two years in a row; he transferred to Livingston State where he played basketball under the late Coach George C. Darrow, and later played professional baseball; and

WHEREAS, Coach Ray Williams began his coaching career in LaGrange, Georgia, later coaching at Statesboro where he was to be named head football coach and establish a reputation as one of the best high school coaches in Georgia; and

WHEREAS, returning to Alabama in 1969, Coach Williams coached first at Mountain Brook High, later at Jones Valley High School and, in 1972, at West End, to become recognized as one of Alabama's all-time great high school coaches; and

WHEREAS, Coach Williams' career continues illustrious in accomplishment, but most particularly in the love and respect he holds in the hearts of his players, the Birmingham community and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Ray Williams of West End High School, a native son whom we greatly admire, and to whom a copy of this resolution shall be forwarded.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 297, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Coleman:

H. R. 298. COMMENDING JULIE ANN WILSON FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolutions were introduced:

By Reps. Beers and White (G):

H. J. R. 299. DESIGNATING JUNE 3-9, 1984, AS SAFE BOATING WEEK IN ALABAMA.

WHEREAS, more Americans each year are choosing recreational boating as an ideal way to relax with their families and friends; and

WHEREAS, what starts out as a pleasant cruise, however, often ends in tragedy because boaters fail to teach their families to swim, fail to properly equip their crafts with Personal Flotation Devices and other protective equipment, or fail to instruct their passengers in the use of such devices prior to a boating cruise; and

WHEREAS, every year hundreds of lives are lost in boating accidents; these fatalities can be reduced and boating made more pleasurable if those who engage in it will emphasize knowledge, care and courtesy necessary for safe boating; and

WHEREAS, the Congress of the United States, having recognized the need for such emphasis, has, by a joint resolution of 4 June 1958 (72 Stat.

179), requested the President to annually proclaim one week as National Safe Boating Week; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in conjunction with National Safe Boating Week, we designate the week of June 3-9th, 1984, as Safe Boating Week in Alabama.

BE IT FURTHER RESOLVED, That we urge all who use our waterways to acquire those skills and knowledges essential to their own safety and that of others and to apply them carefully.

On motion of Rep. Beers, the rules were suspended and the resolution, H. J. R. 299, was adopted.

Also:

By Reps. Nicholson, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 300. CONGRATULATING OUR COLLEAGUE, REPRESENTATIVE SONNY MOORE.

WHEREAS, the Alabama Legislature extends sincere congratulations to our friend and colleague, Representative Sonny Moore of Sterrett, Alabama, who recently was named his area's most outstanding public official of the year by the University of Montevallo; and

WHEREAS, this prestigious distinction was bestowed upon Representative Moore on April 13, 1984, at the University's seventh annual appreciation dinner for public officials; and

WHEREAS, our distinguished colleague has served in the Alabama Legislature since 1974; formerly representing House District 52 which included portions of Talladega and Jefferson Counties in addition to Shelby County, Mr. Moore's constituents are now those of District 41, Shelby County, which includes Montevallo; and

WHEREAS, now in his 10th year in the Alabama House of Representatives, Sonny Moore has served on such important committees as Ways and Means, Commerce and Transportation, Local Legislation (Jefferson County) and Business and Labor; and

WHEREAS, Representative Moore indeed is an exemplary and dedicated public servant, richly deserving of this latest of many honors in recognition of his outstanding contributions to state government and the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly com-

mend our colleague Representative Sonny Moore of Sterrett; we further congratulate him on his University of Montevallo Outstanding Public Official Award and direct that he receive a copy of this resolution, in token of friendship and highest personal regard.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 300, was adopted.

Also:

By Reps. Buskey (John) and Holmes:

H. J. R. 301. COMMENDING THE REVEREND ISAAC LEON FORBES, PASTOR, MAGGIE STREET BAPTIST CHURCH, MONTGOMERY, ALABAMA.

WHEREAS, the Reverend Isaac Leon Forbes, pastor of Montgomery's Maggie Street Baptist Church since 1964, is celebrating the 20th anniversary of his pastorate; and

WHEREAS, the recipient of an honorary Doctor of Divinity degree by his alma mater, Selma University, Dr. Forbes currently serves as director of the Metropolitan Montgomery Civic Association Tri-County Youth Program, in addition to his duties and responsibilities as pastor of Maggie Street Baptist Church; and

WHEREAS, Dr. Forbes, possessed of outstanding abilities, fills the roles of friend, community leader, advisor, counselor, liaison and administrator, wearing numerous other cloaks of responsibility, concern and service; and

WHEREAS, during the past two decades and through Dr. Forbes' leadership and guidance, his congregation has expended from a membership of some 400 to more than 1200 communicants; in order to accommodate such growth, a new sanctuary was built under the auspices of Pastor Forbes; and

WHEREAS, Dr. Forbes indeed is an humble servant of God, a guiding shepherd and a fearless champion of the Gospel of Christ; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation of Dr. Isaac Leon Forbes, we today extend warm congratulations and praise on his 20th anniversary as pastor of Maggie Street Baptist Church.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Reverend Forbes, with a copy also provided for appropriate display at Maggie Street Baptist Church in Montgomery.

On motion of Rep. Buskey (John), the rules were suspended and the resolution, H. J. R. 301, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turnham, the rules were suspended in order to take up out of order the bill, H. 585.

And the bill:

H. 585. To make legislative findings regarding the need to provide additional methods of providing wastewater treatment facilities as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more

public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certificate of incorporation of any such corporation to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof; to authorize any such corporation to acquire, construct, own, lease, operate, or enter into contracts for the operation of, wastewater treatment facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to authorize any such corporation to sell, under installment sales agreements or other contractual arrangements satisfactory to the corporation, any wastewater facility of the corporation, and to grant options to purchase any such facility; to empower any such corporation to enter into long-term exclusive contracts for the receiving, treatment and disposal of pollutants; to empower any such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources (including installment sales agreements) specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and income (including amounts to be received under installment sales or other contractual arrangements) and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation; to provide that the notes, bonds or other obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes, bonds and other obligations of any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state of the property, corporate activities, revenues and income of such corporation, such transaction or actions to which each such corporation is a party or in which it may be involved, and the notes, bonds and all other obligations of each such corporation and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for liberal construction of the provisions of this act; to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any corporation organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality to enter into contracts, for a term not exceeding thirty (30) years; providing for the delivery to the corporation of pollutants and payments by such entity to the corporation; to provide that such entity may be required to make payments

to such corporation with respect to such disposal and treatment of pollutants even though such corporation is at the time such payment is to be made unable to effect such treatment and disposal or such entity is at the time such payment is to be made unable to deliver such pollutants; to provide that to the extent that such contracts recite that the amounts payable thereunder shall be payable annually out of the general operating funds of such entity then such contracts shall not constitute a debt of any county, municipality or political subdivision, agency or instrumentality; to provide that any such corporation shall be a not-for-profit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

SUBSTITUTE OFFERED

Reps. Turnham and Rice offered the following substitute to the bill, H. 585:

A BILL TO BE ENTITLED AN ACT

To make legislative findings regarding the need to provide additional methods of providing facilities employed in the provision of certain utility services, including water and sewer services, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certificate of incorporation of any such corporation to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof; to authorize any such corporation to acquire, construct, own, lease, make loans with respect to, operate, or enter into contracts for the operation of, facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to empower any such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation; to provide that the notes, bonds or other obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to pro-

vide that the notes, bonds and other obligations of any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues and income of such corporation, such transaction or actions to which each such corporation is a party or in which it may be involved, and the notes, bonds and all other obligations of each such corporation and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations; to exempt all utility services agreements and other contracts relating to the design, construction, acquisition, financing or operation of facilities financed by a corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations and all laws relating to the maximum duration of contracts for the sale of personal property and contractual services to counties, municipalities or public corporations; to provide for liberal construction of the provisions of this act; to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any corporation organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality thereof and the Tannehill Furnace and Foundry Commission to enter into utility services agreements, for a term not exceeding forty (40) years, providing for the provision of utility services to such entity by a provider under circumstances in which the facilities for the provision of such utility services are financed, in whole or in part, by a corporation; to provide that such entity may unconditionally and absolutely obligate itself to make payments pursuant to such utility services agreement irrespective of the performance of the facilities or the delivery of the pertinent utility services; to provide that a utility services agreement may provide that when more than one such entity shall be a party to such a utility services agreement and one such entity shall default in its obligations thereunder, then the other such entity or entities may be obligated to assume the payment obligations of such defaulting entity; to provide legal and equitable remedies for the breach of utility services agreements; to prohibit any city, county or instrumentality of either thereof to enter into any utility services agreement or related agreements for the acquisition, construction, equipment or operation of any facilities unless the same shall have been approved by such entity after a public hearing following public notice; to provide that any such corporation shall be a nonprofit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative findings: It is hereby fund and declared as follows:

(a) That the health, safety and welfare of the people of this state require the provision of certain utility services, including water and sewer services;

(b) That it is necessary for the legislature to provide additional methods by which the cities and counties in the state may provide new and improve existing utility services facilities;

(c) That historically a significant portion of the funding of the costs of construction of such utility services facilities has been provided through grants from the United States of America;

(d) That, in recent years, funds available to cities and counties from the United States of America for payment of costs of construction of utility services facilities has been substantially reduced, and it is anticipated that, in coming years, such funds may be further reduced or eliminated;

(e) That the result of the elimination of funding from the United States of America will be to place the entire burden of payment of costs of constructing and improving utility services facilities solely upon the cities and counties in the state;

(f) That the users of utility services facilities will be forced to pay increased charges in amounts sufficient to enable the cities and counties to provide funds to pay costs of constructing new and improved utility services facilities;

(g) That it may be impossible for cities and counties to raise rates with respect to the use of such utility services facilities to such levels as will provide funds sufficient to enable such cities and counties to pay substantially all of the costs of constructing and improving such utility services facilities;

(h) That the legislatures in other states of the United States of America, including surrounding states, have enacted or are considering legislation making available to cities and counties new and different methods of financing the costs of such utility services facilities, to the end that the entire burden of the loss of funds from the United States of America will not be placed directly on the users of such utility services in the form of substantially increased charges;

(i) That among the alternatives available to cities and counties in the construction of new and improved utility services facilities is the encouragement of private investment in the construction, ownership and operation of utility services facilities;

(j) That to the extent that the provision of utility services facilities in connection with private ownership and operation reduces the cost of service, the people of this state are greatly benefited by lower cost to the users of such utility services facilities;

(k) That to the extent that utility services charges in this state are substantially higher than in surrounding states, the industrial development of the state is adversely affected and the improvement of the quality of the environment of the state impeded.

The legislature, therefore, finds and declares that it is necessary, desirable and in the public interest that additional and alternative methods of

providing for the construction and improvement of certain utility services facilities be provided; and that the provisions of this act are in the public interest and promote the health, welfare and safety of the citizens of this state.

Section 2. Definitions. The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the absence of a clear implication herein otherwise, be given the following respective interpretations herein:

"Applicant" means a natural person who files a written application with the governing body of any county or municipality in accordance with the provisions of section 3 hereof.

"Authorizing resolution" means a resolution or ordinance adopted by the governing body of any county or municipality in accordance with the provisions of section 3 hereof, that authorizes the incorporation of a corporation.

"Board" means the board of directors of a corporation.

"Bonds" means bonds, notes or other obligations representing an obligation to pay money.

"Corporation" means any public corporation organized pursuant to the provisions of this act.

"Costs" as applied to a facility or any portion thereof, shall include all or any part of the cost of construction, acquisition, alteration, enlargement, extension, reconstruction, improvement and remodeling of a facility, including all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, permits, approvals, licenses and certificates and interests acquired or used for, in connection with or with respect to a facility, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, underwriters' commissions or discounts, interest prior to, during and following completion of such construction and acquisition, provisions for reserves for both principal and interest and for maintenance, extensions, enlargements, additions and improvements to any facilities then being or theretofore acquired and all other amounts authorized by any corporation to be paid into any special funds from proceeds of bonds issued by the corporation, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing a facility and such other expenses as may be necessary or incident to the construction and acquisition of a facility, the financing of such construction and acquisition and the placing of a facility in operation.

"County" means any county in the state.

"Determining county" means, with respect to a corporation, any county the governing body of which shall have made findings and determinations of fact pertaining to the organization of such corporation in accordance with the provisions of section 3 of this act.

"Determining municipality" means, with respect to a corporation, any municipality the governing body of which shall have made findings and determinations of fact pertaining to the organization of such corporation, in accordance with the provisions of section 3 of this act.

"Determining subdivision" means, with respect to a corporation, any determining county or determining municipality and, with respect to an instrumentality, the county or municipality or combination thereof whose governing body is empowered to incorporate or otherwise establish such instrumentality.

"Director" means a member of the board of a corporation.

"Eligible investment" includes (a) any time deposit with, or any certificate of deposit issued by, (i) any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation or (ii) any savings and loan association which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Savings and Loan Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation; (b) any debt securities that are direct, general obligations of the United States of America; (c) any debt securities the payment of the principal of and interest on which is unconditionally guaranteed by the United States of America; (d) any debt securities that are direct, general obligations of any agencies or instrumentalities of the United States of America, including the following: the Export-Import Banks of the United States, the Federal Farm Credit Banks, the Federal Land Banks, the Federal Intermediate Credit Banks, the Banks for Cooperatives, the Federal Home Loan Banks (including any joint obligations of any two or more of the foregoing agencies), the Federal Home Loan Mortgage Corporation (including participation certificates of the last named agency), the Government National Mortgage Association (including participation certificates of the last named agency), the Tennessee Valley Authority, the Federal Reimbursement Bank and the Farmers Home Administration; (e) any debt securities that are direct, general obligations of the Federal National Mortgage Association; (f) prime commercial paper or finance company paper which is rated not less than prime one or the equivalent thereof by Moody's Investors Service, Inc., or Standard & Poor's Corporation, or their successors; (g) units of investment in any money market fund which is rated not less favorably than A (or the equivalent thereof) by Moody's Investor Service, Inc., or Standard & Poor's Corporation, or their successors; and (h) any debt obligation in which an insurance company organized under the laws of the state may legally invest its money at the time of investment by an authority.

"Facility" means property or collections of property used to provide utility services, including all land, rights-of-way, property rights, franchise rights, buildings and other structures, machinery, equipment, vehicles, furniture, fixtures, reservoirs, wells, intakes, mains, laterals, pipes, aqueducts and all other property, rights, easements and interests necessary or desirable in connection therewith.

"Governing body" means, with respect to a municipality, its city or town council, board of commissioners, or other like governing body exercising the legislative functions of a municipality and, with respect to a county, its county commission or other like governing body exercising the legislative functions of a county and, with respect to an instrumentality or Tannehill Furnace and Foundry Commission, its board of directors or other like governing body duly constituted to exercise the ultimate decision-making functions of such instrumentality or said Tannehill Furnace and Foundry Commission, as the case may be.

"Governmental user" means any county or municipality, or any instrumentality of either thereof (including, without limitation to, any corporation incorporated hereunder) or Tannehill Furnace and Foundry Commission, that receives, participates in or otherwise partakes of utility services pursuant to a utility services agreement.

"Incorporators" means the persons forming a public corporation pursuant to the provisions of this act.

"Instrumentality" means, with respect to any county or municipality, any public corporation, public authority, board, commission or other similar body that is incorporated, established or controlled by such county or municipality.

"Municipality" means an incorporated municipality in the state.

"Person" means any natural person, public or private corporation (including, without limitation to, any corporation incorporated hereunder), partnership, trust, foundation, government or governmental body, political subdivision or other legal entity.

"Provider" means any person that provides utility services to any user pursuant to a utility services agreement.

"Revenues" means all rentals, receipts, income and other charges derived or received or to be derived or received by the corporation, from any of the following: the operation by the corporation of a facility or facilities, or part of either thereof; the sale, including installment sales or conditional sales, lease, sublease or use or other disposition of any facility or portion thereof; repayment of any loan with respect to any facility or the operation thereof; contracts, agreements or franchises with respect to a facility (or portion thereof); any gift or grant; proceeds of bonds to the extent of use thereof for payment of principal of, interest or premium, if any, on the bonds is authorized by the corporation; proceeds from any insurance, condemnation or guaranty pertaining to a facility or property mortgaged to secure bonds or pertaining to the financing of a facility; and income and profit from the investment of the proceeds of bonds or of any revenues.

"State" means the state of Alabama.

"Tannehill Furnace and Foundry Commission" means the "Tannehill Furnace and Foundry Commission" created under Article 10 of Chapter 9 of Title 41 of Code of Alabama 1975, as amended.

"Utility services" means any services for (i) the collection, treatment and delivery of water, whether such water is used for human consumption or industrial use, and (ii) the collection, treatment and disposal of sewage, wastewater, industrial effluent or other fluid waste.

"Utility services agreement" means any agreement between or among one or more users and one or more providers, whether such agreement is in the form of a lease, a service contract, a contract of sale or in any other form, pursuant to which a provider or providers shall agree to provide one or more utility services to, or for the benefit of, such user or users under circumstances in which the facilities for the provision of such utility services are financed, in whole or in part, by a corporation.

"User" means any person that receives, participates in or otherwise partakes of utility services pursuant to a utility services agreement, and includes any governmental user.

Section 3. Filing of application for incorporation of a corporation; au-

thorization of incorporation by governing body of county or municipality. A public corporation may be organized pursuant to the provisions of this act in any county or municipality. In order to incorporate such a public corporation, any number of natural persons, not less than three, who are duly qualified electors of the determining county or the determining municipality, as in the case may be applicable, shall first file a written application with the governing body of such county or municipality, which application shall:

(1) Contain a statement that the applicants propose to incorporate a corporation pursuant to the provisions of this act;

(2) State the proposed location of the principal office of the corporation;

(3) State that each of the applicants is a duly qualified elector of the county or the municipality with whose governing body such application is filed; and

(4) Request that the governing body of such county or municipality adopt a resolution declaring that it is wise, expedient, necessary or advisable that the proposed corporation be formed and authorizing the applicants to proceed to form the proposed corporation by the filing for record of a certificate of incorporation in accordance with the provisions of section 4 hereof.

Every such application shall be accompanied by such supporting documents or evidence as the applicants may consider appropriate. As promptly as may be practicable after the filing of the application with it in accordance with the provisions of this section, the governing body of the county or the municipality with which the application was filed shall review the contents of the application, and shall adopt a resolution either denying the application or declaring that it is wise, expedient, necessary or advisable that the proposed corporation be formed and authorizing the applicants to proceed to form the proposed corporation by the filing for record of a certificate of incorporation in accordance with the provisions of section 4 hereof. The governing body with which the application is filed shall also cause a copy of the application to be spread upon or otherwise made a part of the minutes of the meeting of such governing body at which final action upon said application is taken.

Section 4. Incorporation procedure; contents, execution and filing of certificate of incorporation. (a) Within 40 days following the adoption of an authorizing resolution the applicants shall proceed to incorporate a corporation by filing for record in the office of the judge of probate of the county or one of the counties in which the determining subdivision is located a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner herein provided.

(b) The certificate of incorporation of the corporation shall state:

(1) The names of the persons forming the corporation, and that each of them is a duly qualified elector of the determining subdivision;

(2) The name of the corporation [which shall be "The Governmental Utility Services Corporation of _____," with the insertion of the name of the determining subdivision (which name may include additional wording identifying the region served by the facility), unless the secretary of state shall determine that such name is identical to the name of any other corporation organized under the laws of the state or so nearly

similar thereto as to lead to confusion and uncertainty, in which case the incorporators may insert additional identifying words so as to eliminate said duplication or similarity];

(3) The period for the duration of the corporation (if the duration is to be perpetual, subject to the provisions of section 23 hereof, that fact shall be stated);

(4) The name of the determining subdivision together with the date on which the governing body thereof adopted the authorizing resolution;

(5) The location of the principal office of the corporation, which shall be within the boundaries of the determining subdivision;

(6) That the corporation is organized pursuant to the provisions of this act; and

(7) Any other matters relating to the corporation that the incorporators may choose to insert and that are not inconsistent with this act or with the laws of the state.

(c) The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it (1) a copy of the application as filed with the governing body of the determining subdivision in accordance with the provisions of section 3 hereof, (2) a certified copy of the authorizing resolution adopted by the governing body of the determining subdivision, and (3) a certificate by the secretary of state that the name proposed for the corporation is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty.

(d) Upon the filing for record of the said certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the corporation shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The judge of probate shall thereupon send a notice to the secretary of state that the certificate of incorporation of the corporation has been filed for record.

(e) The authorization of the incorporation of one corporation shall not preclude the authorization by the governing body of any determining subdivision of the incorporation of other such authorities; provided, that such other corporations shall be required to adopt names or designations sufficient to distinguish them from any corporation theretofore incorporated.

Section 5. Amendments to certificate of incorporation. The certificate of incorporation of any corporation incorporated under the provisions of this act may at any time and from time to time be amended in the manner provided in this section. The board shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption of the board of a resolution proposing an amendment to the certificate of incorporation of the corporation, the chairman of the board and the secretary of the corporation shall sign and file a written application in the name of and on behalf of the corporation, under its seal, with the governing body of the determining subdivision, requesting such governing body to adopt a resolution approving the proposed amendment,

and accompanied by a certified copy of the said resolution adopted by the board proposing the said amendment to the certificate of incorporation, together with such documents in support of the application as the said chairman may consider appropriate. As promptly as may be practicable after the filing of the said application with the governing body of the determining subdivision pursuant to the foregoing provisions of this section, that governing body shall review the said application and shall find and determine whether it is wise, expedient, necessary or advisable for the said amendment to be made. In finding and determining whether it is wise, expedient, necessary or advisable for the said amendment to be made, the said governing body may consider, in conjunction with any other factors it may deem relevant, alternative means of accomplishing any lawful objective or purpose of the said amendment affecting the public interest. If the said governing body finds and determines that it is wise, expedient, necessary or advisable for the said amendment to be made, it shall adopt a resolution declaring that it has reviewed the said application and has found and determined as a matter of fact that it is wise, expedient, necessary or advisable for the said amendment to be made; if the said governing body finds and determines that it is not wise, expedient, necessary or advisable for the said amendment to be made, it shall deny the application. Such governing body shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of said governing body at which final action upon the said application is taken.

Within 40 days following the adoption by the governing body of the determining subdivision of a resolution finding and determining as a matter of fact that it is wise, expedient, necessary or advisable for said amendment to be made, the chairman of the board of the corporation and the secretary of the corporation shall sign, and file for record in the office of the judge of probate with which the certificate of incorporation of the corporation was originally filed a certificate in the name of and in behalf of the corporation, under its seal, reciting the adoption of said respective resolutions by the board and by the said governing body and setting forth the said proposed amendment. If the proposed amendment provides for a change in the name of the corporation, there shall be filed, together with the certificate required by the immediately preceding sentence, a certificate by the secretary of state showing that the proposed new name of the corporation is not identical to that of any other corporation then in existence and organized under the laws of the state or so nearly similar to that of any other such corporation as to lead to confusion and uncertainty. The judge of probate shall promptly examine each such certificate and shall determine whether it is complete and regular on its face and whether the proposed amendment complies with the provisions of this act. If the judge of probate shall find that each such certificate is complete and regular on its face and that the proposed amendment complies with the provisions of this act, he shall require each such certificate to be recorded in the permanent records maintained in his office. Upon the filing of the aforesaid certificates, the said amendment to the certificate of incorporation shall become effective. If the proposed amendment effects a change in the name of the corporation, the judge of probate shall promptly send a notice to the secretary of state, advising him of such change. No certificate of incorporation of a corporation shall be amended except in the manner provided in this section.

Section 6. Board of directors of corporation; election; terms of office; vacancies; qualifications; expenses; impeachment. (a) Each corporation shall be governed by a board of directors. All powers of the corporation shall be exercised by the board or pursuant to its authorization. The board

shall consist of three directors who shall be elected by the governing body of the determining subdivision for staggered terms as hereinafter provided. The governing body of the determining subdivision shall specify for which term each director is elected. The initial term of office of one director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M., on January 1 of the first succeeding odd-numbered calendar year following his election. The initial term of office of another director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M., on January 1 of the second succeeding odd-numbered calendar year following his election. The initial term of the remaining director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M., on January 1 of the third succeeding odd-numbered calendar year following his election. Thereafter, the term of office of each such director shall be six years. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be elected by the governing body of the determining subdivision. If the term of office being served by any director shall expire prior to the election of such director for a new term or prior to the election of his successor by the governing body of the determining subdivision, such director shall continue to serve until his successor is elected and qualified, and if such director is elected for a new term after the expiration of the immediately preceding term which he has been serving, his new term of office shall be deemed to have commenced as of the expiration of such immediately preceding term.

(b) Any officer of the determining subdivision shall be eligible for appointment and may serve as a member of the board for the term for which he is appointed or during his tenure as an officer of the determining subdivision, whichever expires first, but he shall not receive a fee for his services; provided, however, that at no time shall the board consist of more than one officer of the determining subdivision. Each director must be a duly qualified elector of the determining subdivision. Directors shall be eligible for reelection. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. No director shall vote on or participate in the discussion or consideration of any matter coming before the board in which he, his immediate family or any business enterprise with which he is associated has any direct or indirect pecuniary interest; provided, however, that when any such matter is brought before the board, any director having an interest therein which may be in conflict with his obligations as a director shall immediately make a complete disclosure to the board of any direct or indirect pecuniary interest he may have in such matter prior to removing himself and withdrawing from the board's deliberations and vote on the matter presented.

(c) A majority of the directors shall constitute a quorum for the transaction of business. No vacancy in the membership of the board or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum to exercise all of the powers and duties of the corporation.

(d) Any director of the corporation may be impeached and removed from office in the same manner and on the same grounds provided in section 175 of the Constitution of Alabama, or successor provision thereof, and the general laws of the state for impeachment and removal of the officers mentioned in section 175, or successor provision thereof.

(e) All proceedings of the board shall be reduced to writing by the secretary of the corporation and maintained in the permanent records of the corporation. Copies of such proceedings, when certified by the secretary of

the corporation under the seal of the corporation, shall be received in all courts as evidence of the matters therein certified.

Section 7. Officers of corporation. The officers of a corporation shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as its board shall deem necessary or appropriate. The offices of secretary and treasurer may but need not be held by the same person. The chairman and vice-chairman of a corporation shall be elected by the board from the membership thereof; the secretary, the treasurer, and any other officers of the corporation may but need not be members of the board and shall also be elected by the board. The chairman, vice-chairman, secretary and treasurer of the corporation shall also be the chairman, vice-chairman, secretary and treasurer of the board, respectively.

Section 8. Powers of corporation; location of facilities or corporation.
(a) Every corporation shall have all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of this act, including (without limiting the generality of the foregoing) the following powers:

(1) To have succession in its corporate name for the duration of time (which may be in perpetuity, subject to the provisions of section 22 hereof) specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil suits and actions and to defend suits against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt, alter and repeal bylaws, regulations and rules, not inconsistent with the provisions of this act, for the regulation and conduct of its affairs and business;

(5) To acquire, whether by gift, purchase, transfer, foreclosure, lease or otherwise, to construct and to expand, improve, operate, maintain, equip and furnish one or more facilities, including all real and personal properties that its board may deem necessary in connection therewith, regardless of whether or not any such facility shall then be in existence and, if in existence, regardless of whether or not any such facility is then owned or leased by any person to which such facility may subsequently be sold or leased by such corporation;

(6) To borrow money and to sell and issue bonds as hereinafter provided for any corporate use or purpose;

(7) To lease to any person or persons all or any part of any facility or facilities that are or are to be owned by it, to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof, all upon such terms and conditions as its board may deem advisable;

(8) To contract to sell, convey or dispose of and to sell, convey or dispose of all or any part of a facility (including but not limited to the granting of options to purchase a facility to any person), all for such consideration and upon such terms and conditions as its board may deem advisable;

(9) In connection with the financing of the acquisition, construction or operation of one or more facilities, to lend, upon such terms and conditions as its board may deem advisable, all or any portion of the proceeds derived

from the issuance of its bonds for one or more or any combination of the following purposes:

(a) To enable such person to borrow an amount not substantially in excess of the equity (determined on any basis not resulting in a higher value for any facility in question than the estimated replacement cost or the appraised market value thereof, whichever may be greater) which such person may then have in any facility or facilities;

(b) To enable such person to refinance any outstanding indebtedness incurred or assumed in connection with the acquisition, improvement or operation of any existing facility or facilities;

(c) To enable such person to finance the costs of acquiring, by purchase, construction or otherwise, one or more facilities and/or the costs of expanding or improving one or more facilities, regardless of whether any such facility has theretofore been owned or leased by such person or is to be acquired or leased by such person; and

(d) To enable such person to borrow working capital for use in the operation of one or more facilities.

(10) To pledge for payment of any bonds issued or assumed by the corporation any revenues from which such bonds are payable as herein provided, and to mortgage or pledge any or all of its facilities or any part or parts thereof, whether then owned or received or thereafter acquired or received, and to pledge any revenues from which such bonds are payable as herein provided as security for the payment of the principal of and the interest and premium, if any, on any bonds so issued and any agreements (including, without limitation, any utility service agreements) made in connection therewith;

(11) To assume obligations secured by a lien on or secured by and payable out of or secured by a pledge of any facility or facilities or part thereof or the revenues derived from any facility or facilities that may be acquired by the corporation;

(12) To make, enter into, and execute such contracts, agreements, leases and other instruments (including, without limitation to, utility service agreements) and to take such other actions as may be necessary or convenient to accomplish any purpose for which such corporation was organized or to exercise any power expressly granted hereunder;

(13) To enter into contracts with, to accept aid, loans and grants from, to cooperate with and to do any and all things not specifically prohibited by this act or the Constitution or other applicable laws of the state that may be necessary in order to avail itself to the aid and cooperation of the United States of America, the state or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this act;

(14) To receive and accept from any source aid or contributions in the form of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this act, subject to any lawful condition upon which such aid or contributions may be given or made;

(15) To appoint, employ and contract with such employees and agents, including but not limited to, architects, engineers, attorneys, accountants, financial experts, fiscal agents and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation;

(16) To enter into a management contract or contracts with any municipality, any county, or any person or persons for the management, supervision or operation of all or any part of its facilities as may in the judgment of such corporation be necessary or desirable in order to perform more efficiently or economically any function for which it may become responsible in the exercise of the powers conferred upon it by this act.

(17) To procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as its board may deem desirable;

(18) To the extent permitted by the contracts of such corporation with the holders of its bonds and if not otherwise specifically prohibited by any other provision of this act, to invest its moneys (including, without limitation, the moneys held in any special fund created pursuant to any trust indenture or agreement or resolution securing any of its bonds and proceeds from the sale of any bonds) not required for immediate use in eligible investments;

(19) To include in any borrowing by such corporation such amounts as may be deemed necessary by its board to pay bond discount, commissions or other financing charges, interest on the obligations issued in evidence of such borrowing for such period as its board shall deem advisable, fees and expenses of financial advisors and planning and management consultants, all legal, accounting, publishing, printing, recording and filing fees and expenses and such other expenses as shall be necessary or incident to such borrowing;

(20) To the extent permitted by its contracts with the holders of its bonds, to purchase bonds of such corporation out of any of its funds or moneys available therefor and to hold, cancel or resell such bonds;

(21) To secure payment of bonds or other obligations of such corporation, including performance obligations relating to processes and facilities involved in providing utility services, by procuring or agreeing to procure (i) insurance or guarantees from the United States of America or any agency or instrumentality thereof, or (ii) insurance, guarantees, letters of credit and other sureties from banks, insurance companies and other financial institutions, and to pay premiums, commissions and fees necessary to procure such insurance, guarantees, letters of credit or other sureties;

(22) To establish and maintain one or more special debt service reserve funds and such other special fund or funds as may be necessary or desirable for its corporate purposes and to pay into each such fund any moneys contributed or granted to such corporation for the purpose of such fund by any governmental or public entity or any private party, any proceeds from the sale of bonds to the extent provided in the resolution adopted by the board of such corporation authorizing the issuance of such bonds and any other moneys which may be made available to such corporation for the purpose of such fund from any other source or sources.

(23) To require payments in lieu of taxes with respect to any facilities to be made by a provider to the state, a county or a municipality, or any two or more thereof; and

(24) To do any and all things necessary or convenient to carry out its purposes and to exercise its powers pursuant to the provisions of this act.

(b) Any facility or facilities of a corporation organized pursuant to determination by a determining municipality may be located within or with-

out or partially within and partially without the determining municipality, subject to the following conditions:

(1) No such facility or part thereof shall be located more than 30 miles from the corporate limits of the determining municipality;

(2) No such facility or part thereof shall be located within the corporate limits of a municipality other than the determining municipality in this state unless the governing body of such other municipality has first adopted a resolution consenting to the location of such facility or part thereof in such municipality; and

(3) No such facility or part thereof shall be located in a county other than that (or those) in which the determining municipality (or part thereof) is situated unless the governing body of such other county has first adopted a resolution consenting to the location of such facility or part thereof in such county.

(c) Any facility or facilities of a corporation organized pursuant to determination by a determining county may be located within or without or partially within and partially without the determining county, subject to the following conditions:

(1) No part of a facility shall be located more than three miles outside the boundaries of the determining county;

(2) In no event shall any facility or part thereof be located within the corporate limits of a municipality unless the governing body of such municipality has first adopted a resolution consenting to the location of such facility or part thereof in such municipality; and

(3) No such project or part thereof shall be located in a county other than the determining county unless the governing body of such other county has first adopted a resolution consenting to the location of a part of such facility in such other county.

Section 9. Bonds of corporation — generally. (a) Any corporation shall have the power to issue, sell and deliver at any time and from time to time its bonds in such principal amount or amounts as its board shall determine to be necessary to provide sufficient funds for achieving any of its corporate purposes, including the payment of interest on any of its bonds, the establishment of reserves to secure any such bonds and all other expenditures of such corporation incident to and necessary or convenient to carry out its corporate purposes and powers. Any corporation shall also have the power to issue from time to time bonds to renew bonds and bonds to pay bonds, including interest thereon and, whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any other of its corporate purposes.

(b) The bonds issued by any corporation shall be authorized by resolution or resolutions adopted by its board, shall bear such date or dates and shall mature at such time or times as such resolution or resolutions may provide, except that no bond shall mature more than 40 years from date of its issue. The bonds of any corporation may be issued as serial bonds or as term bonds or as a combination thereof. The bonds of any corporation shall bear interest at such rate or rates, be in such form and denominations, either coupon or registered, carry such registration privileges, be executed by such officers of such corporation and in such manner, be payable in such

medium of payment, at such place or places within or without the state and be subject to such terms of redemption as may be provided in the resolution or resolutions by which they are authorized to be issued. The bonds of any corporation may be sold by such corporation at public or private sale at such price or prices as such corporation shall determine. If such action shall be deemed advisable by the board, there may be retained in the proceedings under which any of such bonds are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be recited in summary form on the face of such bonds; provided that any bond of any corporation having a specified maturity more than 15 years after its date shall be made subject to redemption at the option of such corporation at the expiration of 15 years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the resolution adopted by the board of such corporation authorizing the issuance of such bond. Any corporation may pay all expenses, premiums and commissions which its board may deem necessary and advantageous in connection with the issuance of any of its bonds. Issuance by any corporation of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds, but the resolutions whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for the benefit of any prior issue of bonds, unless in the proceedings authorizing such prior issue the right was reserved to issue subsequent bonds on a parity with such prior issue.

(c) Prior to the preparation of definitive bonds, the corporation may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The corporation may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost.

(d) All obligations created or assumed and all bonds issued or assumed by any corporation shall be solely and exclusively an obligation of such corporation and shall not create an obligation or debt of the state, the determining subdivision, any other county or, municipality or any other political subdivision of the state or any instrumentality or governmental agency existing under the laws thereof; provided, that the provisions of this subsection shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the corporation.

Section 10. Security for payment of bonds; contracts and agreements to secure. (a) Bonds issued by any corporation may, as its board may deem advisable, be either general obligations of such corporation or limited obligations payable only out of certain specified revenues or assets of such corporation; provided, that any corporation may enter into contracts with the holders of any of its bonds preventing such corporation from thereafter issuing general obligation bonds or limiting the amount of such bonds that may thereafter be issued. To the extent permitted by any contracts with the holders of outstanding bonds and any other contractual obligations or requirements, any corporation may pledge any of its revenues or mortgage or assign any of its assets, whether real or personal and whether tangible or intangible, to secure the payment of any of its bonds.

(b) As security for payment of the principal of and the interest and premium, if any, on any bonds issued or assumed by it, any corporation may

enter into a contract or contracts, and adopt resolutions or other proceedings containing provisions constituting a part of the contract or contracts with the holders of such bonds, pertaining to, among other things, the following matters:

(1) Pledging all or any part of the revenues of such corporation to secure the payment of such bonds, subject to contracts with the holders of its then outstanding bonds;

(2) Pledging, assigning or mortgaging all or any part of the assets of such corporation to secure the payment of such bonds, subject to contracts with the holders of its then outstanding bonds;

(3) The creation of reserves, sinking funds or other funds and the regulation and disposition thereof;

(4) Limitations on the purpose to which the proceeds of sale of such bonds may be applied and pledging such proceeds to secure the payment of such bonds;

(5) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds;

(6) Binding the corporation to impose and collect reasonable rates for and the imposition of reasonable regulations respecting any service rendered from or with respect to any facility or facilities;

(7) The procedure, if any, by which the terms of any contract with the holders of such bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given;

(8) Limitations on the amount of moneys to be expended by such corporation for its operating expenses;

(9) Vesting in a trustee or trustees such property, rights, powers and duties as such corporation may determine;

(10) Defining the acts or omissions to act that shall constitute a default in the performance of the obligations and duties of such corporation to the holders of such bonds and providing for the rights and remedies of such holders in the event of such default; provided, however, that such rights and remedies shall not be inconsistent with the general laws of the state and the other provisions of this act; and

(11) Any other matters of like or different character which in any way affect the security or protection of the holders of such bonds.

(c) Any mortgage of property granted by any corporation, any security interest in property created by it or any assignment or pledge of revenues or contract rights made by it, in each case to secure the payment of its bonds, shall be valid and binding from the time when such mortgage is granted, such security interest is created or such assignment or pledge is made, as the case may be, and the property so mortgaged, the property with respect to which such security interest is so created and the revenues and contract rights so assigned or pledged shall immediately (or as soon thereafter as such corporation obtains any right thereto or interest therein) be subject to such mortgage, security interest, assignment or pledge, as the case may be, without physical delivery of any property, revenues or contract documents covered thereby or any further act, and the lien of any such mortgage, security interest, assignment or pledge shall be valid and binding as against

all persons having claims of any kind in tort, contract or otherwise against such corporation, irrespective of whether such persons have actual notice thereof, from the time notice of such mortgage, security interest, assignment or pledge is filed for record (i) in the office of the judge of probate in which the certificate of incorporation of such corporation was filed for record and (ii) in the case of any mortgage or security interest covering any tangible property, whether real, personal or mixed, in the office of the judge of probate of the county in which such property is or is to be located pursuant to any agreement made by such corporation with any person respecting the location and use of such property. Such notice shall contain a statement of the existence of any such mortgage, security interest, assignment or pledge, as the case may be, a description of the property, revenues or contract rights subject thereto and a description of the bonds secured thereby, all in terms sufficient to give notice to a reasonably prudent person of the existence and effect of any such mortgage, security interest, assignment or pledge. If the requirements of the preceding sentence are met, such notice may consist of (i) a summary statement prepared specially for the purpose of serving as such notice, (ii) an executed counterpart of any mortgage, security agreement, assignment, trust indenture or any other instrument granting such mortgage, creating such security interest or making such assignment or pledge, as the case may be, or (iii) a certified copy of the resolution adopted by the board of such corporation authorizing such mortgage, security interest, assignment or pledge, as the case may be.

(d) Any corporation shall have power, subject to contracts with the holders of its then outstanding bonds, to purchase for retirement and cancellation any of its bonds and to use any of its available funds for such purpose, provided that, if such bonds are then redeemable, the purchase price thereof shall not exceed the redemption price then applicable, plus accrued interest thereon to the date of purchase, and if such bonds are not then redeemable, the purchase price thereof shall not exceed the redemption price applicable on the earliest date after such purchase upon which such bonds become subject to redemption, plus accrued interest thereon to the date of purchase.

(e) The bonds of any corporation may, at the discretion of such corporation, be issued under and secured by a trust indenture or trust indentures by and between such corporation and a corporate trustee, which may be any trust company or bank having the power of a trust company within or without the state. Any such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of such corporation in relation to the exercise of its corporate powers and the custody, safeguarding and application of all moneys. Such authority may provide by any such trust indenture for the payment to the trustee thereunder or other depository of the proceeds of any bonds issued thereunder and any revenues pledged for the security of such proceeds and revenues, with such safeguards and restrictions as it may determine. All expenses incurred in connection with such trust indenture may be treated as part of the operating expenses of such corporation.

(f) Whether or not the bonds of any corporation are of such form and character as to be negotiable instruments under the terms of the Alabama Uniform Commercial Code, such bonds are hereby made negotiable instruments within the meaning of the Alabama Uniform Commercial Code and for all purposes thereof, subject only to any registration provisions of such bonds. In case any of the directors or officers of any corporation whose signatures appear on any bonds or coupons appertaining to any bond shall

cease to be such directors or officers before the delivery of such bonds or coupons, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if such directors or officers had remained in office until such delivery.

(g) The directors and officers of any corporation shall not be subject to any personal liability by reason of the issuance of any bonds of such corporation.

Section 11. Proceeds from sale of bonds. All moneys derived from the sale of any bonds issued by a corporation shall be used solely for the purpose or purposes for which the same are authorized; provided, however, that if for any reason any part of such proceeds shall not be necessary for such purposes, then such unexpended part of such proceeds shall be applied to the payment of the principal or of interest on the said bonds. All accrued interest and premium received in any such sale shall be applied to the payment of interest or principal on the bonds sold.

Section 12. Refunding bonds. (a) Any bonds issued or assumed by a corporation may from time to time be refunded by the issuance, by sale or exchange, of refunding bonds payable from the same or different sources for the purpose of paying all or any part of the principal of the bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the bonds to be refunded, any interest to accrue on each bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with such refunding including, without limitation to, attorneys' fees, costs of printing the refunding bonds, financial advisors' fees and accountants' fees; provided, that unless such bonds are duly called for redemption pursuant to provisions contained therein, the holders of any such bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding bonds for such refunding. The issuance of such refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the rights, duties and obligations of such corporation in respect thereof shall be governed by the provisions of this act relating to the issuance of bonds generally, to the extent that such provisions may be appropriate therefor.

(b) Refunding bonds issued by any corporation may be sold or exchanged for outstanding bonds issued under this act and, if sold, the proceeds thereof may be applied, in addition to any other authorized purposes, to the purchase, redemption or payment of such outstanding bonds. Pending the application of the proceeds of any such refunding bonds for any of the purposes provided in this section, such proceeds may be invested in any eligible investments pursuant to an escrow agreement providing for the future application of such proceeds in accordance with such purposes.

Section 13. Freedom of corporation from supervision and control of state; applicability of certain laws regarding operation of facilities. (a) This act is intended to aid the state through the furtherance of the purposes of the act by providing appropriate and independent instrumentalities with full and adequate powers to fulfill their functions. Except as expressly provided in this act, no proceeding, notice or approval shall be required for the incorporation of any corporation or the amendment of its certificate of incorporation, the purchase of any note or other instrument secured by a mortgage, deed of trust, note or other security interest, the issuance of any

bonds, the execution of any mortgage and deed of trust or trust indenture, or the exercise of any other of its powers by a corporation. Neither a public hearing nor the consent of the state department of finance or any other department, agency, bureau, board or corporation of the state shall be prerequisite to the issuance of bonds by a corporation.

(b) Each corporation shall, however, be subject to the provisions of the laws of this state respecting the operation of facilities of the corporation, including particularly the provisions of Chapters 23, 25 and 26 of Title 22 of the Code of Alabama of 1975.

Section 14. Power of eminent domain. Each corporation organized under the provisions of this act is hereby granted the power of eminent domain and may exercise such power in the manner provided by law for the purpose of obtaining real property for any facility or part thereof.

Section 15. Contacts; cooperation; aid and agreements from other bodies. (a) For the purpose of attaining the objectives of this act, any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state, a county or municipality may, upon such terms and with or without consideration, as it may determine, do any or all of the following:

(1) Lend or donate money to any corporation or perform services for the benefit thereof;

(2) Donate, sell, convey, transfer, lease or grant to any corporation, without the necessity of authorization at any election of qualified voters, any property of any kind; and

(3) Do any and all things, whether or not specifically authorized in this section, not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with any corporation in attaining the objectives of this act.

(b) Without in any way limiting the generality of the foregoing, any municipality, county or any political subdivision or agency of the state or of a county or municipality, a public corporation or any other entity is authorized to convey to the corporation, and the corporation in turn is authorized to convey to any person, any existing facility, it being hereby specifically declared that the agreement of any person to whom such conveyance is made to provide a facility or facilities that are in full compliance with all such applicable federal and state laws and regulations shall be deemed to be adequate consideration for any such transfer.

Section 16. Utility services agreements; incurring indebtedness by governmental users; enforceability of utility services agreements. (a) Any county or municipality, or any instrumentality of either thereof, if authorized by resolution or ordinance of its governing body, may enter into one or more utility services agreements with a provider or providers pursuant to which such provider or providers shall provide one or more utility services for, or for the benefit of, any such governmental user that is a party to such utility services agreement. Any such utility services agreement may provide for the purchase by the governmental user thereunder of all or any part of the capacity, capability or output of the facilities used to provide the applicable utility services. Since the receipt of utility services by a governmental user pursuant to a utility services agreement affords such governmental user the benefits of such utility services without the burdens of ownership and operation of the facilities for the provision of such utility services, and since the payments by such governmental user under such utility services agree-

ment will constitute, in whole or in part, the source of repayment for any financing of the facilities for the provision of such utility services, any utility services agreement may provide (i) that the governmental user thereunder shall be obligated to make the payments required of it by such utility services agreement whether or not the applicable facilities are completed, operable or operating and notwithstanding the suspension, interruption, interference, reduction or curtailment of the capacity, capability or output, as in the case may be applicable, of such facilities or the utility services contracted for, the nonperformance or nondelivery of the utility services contracted for, or the inability, for any reason, of the governmental user to receive or partake of the utility services so contracted for, and (ii) that the payments by the governmental user under such utility services agreement shall not be subject to any reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance by the provider or providers under such utility services agreement. Any utility services agreement pursuant to which utility services are to be provided to more than one governmental user may also provide that if one or more of such governmental users shall default in the payment of its or their obligations thereunder, then in such event the other governmental user or users that are parties to such utility services agreement shall be required to accept and pay for, and shall be entitled proportionately to and may use or otherwise dispose of, the utility services (or the capacity, capability or output thereof) which was to be received by the defaulting governmental user. Any utility services agreement may provide that the obligation of any governmental user to make payments thereunder in respect of utility services shall be as absolute and unconditional as the obligation of such governmental user to repay money that it borrowed directly on its own credit for the purpose of financing the acquisition of facilities that would be used to provide utility services equivalent to those proposed to be provided pursuant to such utility services agreement. Any utility services agreement may extend for a period not exceeding 40 years from the date that such utility services agreement is entered into.

(b) It is hereby recognized that this act confers upon any governmental user the right to incur payment obligations under a utility services agreement that may constitute debt within the meaning of constitutional limitations and other applicable laws of the state, but, that fact notwithstanding, nothing contained in this act shall be construed

(i) to cause any such debt to lose any exemption from any constitutional debt limit to which, absent any claimed effect of any provision of this act, it would be entitled by virtue of the fact that it was incurred for the purpose of providing waterworks, sewers or sewerage, or

(ii) to prevent any governmental user from entering into a utility services agreement which provides that payments thereunder due in any fiscal year shall be payable only out of the revenues received by such governmental user during such fiscal year.

(c) In the event of any failure or refusal on the part of any governmental user to perform punctually any covenant or obligation contained in any utility services agreement, the provider under such utility services agreement shall have the right (i) to recover damages from such governmental user through an action at law or (ii) to enforce performance by such governmental user of such covenant or obligation through any legal or equitable process, including mandamus or specific performance.

Section 17. Prior Approval of Utility Services Agreements and Re-

lated Agreements with Governmental Users; Notice and Public Hearings.

(a) No utility services agreement or related agreements in connection with the acquisition, construction, equipment or operation of any facilities may be entered into by any governmental user pursuant to the provisions of this act unless the entering into of such utility services agreement and related agreements by such governmental user is approved by resolution adopted by the governing body of such governmental user in accordance with the provisions of this act; and any utility services agreement or related agreements entered into without prior compliance with the provisions of this section shall be void; provided, however, that no public hearing pursuant to the provisions of this section shall be required in connection with the entering into of any utility services agreement by Tannehill Furnace and Foundry Commission.

(b) No approval of any utility services agreement or related agreements by the governing body of any governmental user shall be effective for purposes of this act unless such approval is obtained in compliance with the provisions of this section. Prior to entering into any utility services agreement or related agreements, the governing body of any governmental user shall designate a place, date and time at which such governing body shall meet to consider all views expressed by the general public, whether in support or opposition, with respect to such utility services agreement, the utility services to be provided thereunder or any related agreements for the acquisition, construction, equipment or operation of facilities for provision of such utility services. The date of such meeting to hear the views of the general public shall be not less than three weeks after the date on which notice thereof is first published as hereinafter provided. Notice of such meeting shall be published once a week for three consecutive weeks in some newspaper published within the territorial boundaries of such governmental user in the event that the governmental user is a county or municipality, or within the territorial limits of the pertinent determining subdivision or subdivisions in the event that the governmental user is an instrumentality; provided, however, that if no newspaper is at the time being published within the territorial boundaries of such governmental user, or such determining subdivision or subdivisions, as in the case may be applicable, such notice shall be published in a newspaper which the governing body of such governmental user determines to have general circulation within the territorial boundaries of such governmental user or such determining subdivision or subdivisions, as in the case may be applicable; provided further that if no newspaper is at the time being published within the territorial boundaries of such governmental user or such determining subdivision or subdivisions, as in the case may be applicable, and if the governing body of such governmental user determines that there is no newspaper at the time having general circulation within the territorial boundaries of such governmental user or such determining subdivision or subdivisions, as in the case may be applicable, then such notice may be published by posting for three weeks in three public places within such territorial boundaries. Such notice shall be deemed to comply with the requirements of this act if it contains (i) a statement of the intention of the governing body of such governmental user to meet at the designated place, date and time for the purpose of hearing and considering the views of the general public with respect to the approval by such governing body of the entering into of the utility services agreement and related agreements in question, (ii) a brief description of such utility services agreement and related agreements and (iii) the proposed street address of the facilities for the provision of the utility services in question or such other description of the proposed location thereof as will be intelligible to the general public.

At the meeting with respect to which such notice is published, the governing body of the governmental user shall hear and consider the views of all persons desiring to be heard and may thereafter at the same meeting adopt a resolution expressing its final approval or disapproval of the entering into such utility services agreement and related agreements. Instead of taking final action with respect to such utility services agreement and related agreements at the first meeting held to heard the views of the general public, such governing body may defer such action to a subsequent meeting, and it may also continue to hear the views of the general public with respect to such utility services agreement and related agreements during one or more subsequent meetings until it takes such final action, but it may not take any final action with respect to the approval or disapproval of such utility services agreement and related agreements, or conduct other hearings with respect thereto, at any subsequent meeting unless (i) such subsequent meeting is a regular meeting of such governing body or a valid adjournment thereof and (ii) the preceding meeting at which such utility services agreement and related agreements were last considered, such subsequent meeting was publicly designated by such governing body as the place, date and time to which further consideration of such utility services agreement and related agreements was to be continued.

The decision of the governing body of any governmental user to grant or refuse any approval of the entering into of any utility services agreement or related agreements required by the provisions of this act shall be within the sole discretion of such governing body, and, except to the extent affected by fraud, bribery or other unlawful conduct, the reasonableness or fairness of such governing body in approving or refusing to approve the entering into of any such utility services agreement and related agreements shall not be the subject of any case, controversy or inquiry brought before any court of the state.

Section 18. Exemption from taxation, etc. (a) Every corporation shall exercise its powers in all respects for the benefit of the people of the state, for their well being and for the improvement of their health, welfare and social condition, and the exemptions from taxation hereinafter described are hereby granted in order to promote the more effective and economical exercise of such powers.

(b) No income, sales, use or other excise or license tax shall be levied upon or collected in the state with respect to any corporate activities of a corporation or any of its revenues, income or profit. No ad valorem tax or assessment for any public improvement shall be levied upon or collected in the state with respect to any property during any time that title to such property is held by a corporation, including, without limiting the generality of the foregoing, any time that such property is leased to a provider by a corporation pursuant to a lease which provides that title to such property shall automatically pass to such provider upon expiration of the lease term or which gives such provider the right to purchase such property from such authority for a nominal consideration and any time that title to such property is retained by a corporation pursuant to a contract of sale with a provider which provides that title to such property shall not pass to such provider until the purchase price thereof has been paid in full; provided that any corporation may require any provider to pay to such corporation or to any county, municipality or the state payments in lieu of any such ad valorem taxes that would be payable with respect to such property but for the application of the provisions of this section.

(c) No privilege or license taxes payable in respect of the recording or

filing for record of any mortgage, deed or other instrument, including, without limitation, the privilege taxes now imposed by chapter 22 of Title 40, shall be levied, charged or collected in connection with the recording or filing for record of any mortgage, deed or other instrument evidencing a conveyance to or the creation of any property interest in a corporation, any agreement or instrument to which a corporation is a party, and any mortgage, deed or other instrument evidencing a conveyance from a corporation to another party or the creation by a corporation of any property interest in another party.

(d) If, pursuant to any contractual agreement between a corporation and a provider, any facility has been or is to be acquired by such corporation and leased or sold to such provider or has been or is to be financed by a loan from such corporation, then in such case the gross proceeds of the sale of any property used in the construction and equipment of such facility, regardless of whether such sale is to such corporation, such provider or any contractor or agent of either thereof, shall be exempt from the sales tax imposed by article 1 of chapter 23 of Title 40 and from all other sales and similar excise taxes now or hereafter levied on or with respect to the gross proceeds of any such sale by the state or any county, municipality or other political subdivision or instrumentality of any thereof. Further, if, pursuant to any contractual arrangement between a corporation and a provider, any facility has been or is to be acquired by such corporation and leased or sold to such provider or has been or is to be financed by a loan from such corporation, then in such case any property used in the construction and equipment of such facility, regardless of whether such property has been purchased by such corporation, such provider or any contractor or agent of either thereof, shall be exempt from the use tax imposed by article 2 of chapter 23 of Title 40 and all other use and similar excise taxes now or hereafter levied on or with respect to any such property by the state or any county, municipality or other political subdivision or instrumentality of any thereof.

(e) All bonds issued by any corporation, their transfer and the income therefrom, including the interest income thereon and any profits made on the sale thereof, shall at all times be free from taxation by the state or any county, municipality or other political subdivision or instrumentality of the state, excepting inheritance, estate and gift taxes.

Section 19. Exemption from usury and interest laws. Any corporation and all contracts made by it shall be exempt from the laws of the state of Alabama governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8. Further, any payment payable directly or indirectly by any provider pursuant to any lease, installment sale contract, loan agreement or other contract to which a corporation is a party, any payment pursuant to any utility service agreement or any payment pursuant to any other obligation constituting the source of payment for any obligation of a corporation which, in any such case under the laws of the state in effect at the time, constitutes interest, or a payment in the nature of interest, shall be exempt from all such laws of the state governing usury or prescribing or limiting interest rates.

Section 20. Exemption from competitive bid laws. Any corporation and all contracts made by it shall be exempt from the laws of the state requiring competitive bids for any contract to be entered into by counties, municipalities, public corporations or other instrumentalities authorized by them, including, but without limitation to, the provisions of article 3 of chapter 16 of Title 41. Further, all contracts, whether or not involving any

corporation as a party thereto, which relate to the design, construction, acquisition, financing or operation of any facilities that are financed, in whole or in part, by any corporation pursuant to the provisions of this act (including, without limitation, utility services agreements and contracts for the design, construction and equipment of such facilities) shall be exempt from (i) such laws requiring competitive bids for any contract to be entered into by counties, municipalities, public corporations or other instrumentalities authorized by them, including, but without limitation to, the provisions of article 3 of chapter 16 of Title 41, and (ii) the laws of the state limiting the duration of any contracts for the purchase of personal property or contractual services by counties, municipalities, public corporations or other instrumentalities authorized by them, including, without limitation to, the provisions of article 3 of chapter 16 of Title 41.

Section 21. Disposition of net earnings of corporation. Every corporation shall be a nonprofit public corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any private person, except that in the event a board shall determine that sufficient provisions has been made for the full payment of the expenses, bonds and other obligations of a corporation, then any net earnings of a corporation thereafter accruing shall be paid to its determining subdivision.

Section 22. Bonds of corporation as legal investments. The bonds of any corporation shall be legal investments in which the state and its agencies and instrumentalities, all counties, municipalities and other political subdivisions of the state and public corporations organized under the laws thereof, all insurance companies and associations and other persons carrying on an insurance business, all banks, savings banks, savings and loan associations, trust companies, credit unions and investment companies of any kind, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds in their control or belonging to them.

Section 23. Dissolution of corporation; vesting of title to corporation's property in determining subdivision. At any time when any corporation has no bonds or other obligations outstanding and when there shall be no other obligations assumed by such corporation that are then outstanding, the board of such corporation may adopt a resolution, which shall be duly entered upon its minutes, declaring that the corporation shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office of the judge of probate with which the corporation's certificate of incorporation was filed, the corporation shall thereupon stand dissolved and, in the event it owned any assets or property at the time of its dissolution, the title to all such assets or property shall thereupon vest in the determining subdivision.

Section 24. Incorporation of another corporation by same determining subdivision. The formation or dissolution of one or more corporations incorporated under the provisions of this act shall not prevent the subsequent incorporation hereunder of other corporations pursuant to authorization by the same determining subdivision.

Section 25. Notice of bond resolution; contest to validity of bonds, etc. (a) Upon the adoption by the board of any corporation of any resolution providing for the issuance of bonds, such corporation may, in the discretion of its board, cause a notice respecting the issuance of such bonds to be published once a week for two consecutive weeks in each county in which shall

be located any facility financed or in any way assisted by the issuance of such bonds, such publication in each such county to be in a newspaper having general circulation therein. Such notice shall be in substantially the following form (the blanks being properly filled in), at the end of which shall be printed the name and title of either the chairman or secretary of such corporation: "_____, a public corporation and instrumentality of the state of Alabama, on the _____ day of _____, authorized the issuance of \$_____ principal amount of bonds (or notes or other obligations, as the case may be) of the said public corporation for purposes authorized in the act of the legislature of Alabama under which the said public corporation was organized. Any action or proceeding questioning or contesting the validity of the said bonds (or notes or other obligations), or the instruments securing the same, or the proceedings authorizing the same, must be commenced on or before _____ (here insert date determined in accordance with the provisions of subsection (b) of this section)."

(b) The date stated in such notice as the date on or before which any action or proceeding questioning or contesting the validity of the bonds referred to therein must be commenced shall be a date at least 30 days after the date on which occurs the last publication of such notice necessary for it to have been published at least once in all counties in which it is required to be published. Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in such notice or to contest the validity of any such bonds, or the validity of any instruments securing the same, must be commenced on or before the date determined in accordance with the preceding sentence and stated in such notice as the date on or before which any such action or proceeding must be commenced. After such date no right of action or defense shall be asserted questioning or contesting the validity of such bonds, or the instruments securing the same, or the proceedings authorizing the same, nor shall the validity of such bonds or such instruments or proceedings be open to question in any court on any ground whatsoever, except in an action or proceeding commenced on or before such date.

Section 26. Provisions are cumulative. The provisions of this act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this act.

Section 27. Liberal construction. This act shall be construed liberally to effect its purposes and neither this act nor anything herein contained is or shall be construed as a restriction or limitation upon any powers which any corporation might otherwise have under any laws of the state, and the provisions of this act are cumulative to any such powers.

This act does and shall be construed to provide a complete, additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to other laws. However, the issuance of bonds of any corporation under the provisions of this act need not comply with the requirements of any other law of the state generally applicable to the issuance of bonds, notes and other obligations by other public corporations organized under the laws of the state.

Section 28. Severability. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Section 29. Effective date of act. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yes 35; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Britnell, Brocks, Bryant, Buskey (James), Carter, Clark (D), Coleman, Cosby, Davis, Flowers, Fuller, Goodwin, Grayson, Hammett, Horn, Johnson (R.G.), Kennedy, Martin, Mathis, Onderdonk, Parker, Preuitt, Rains, Rice, Richardson, Rogers, Turner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 585. To make legislative findings regarding the need to provide additional methods of providing facilities employed in the provision of certain utility services, including water and sewer services, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certificate of incorporation of any such corporation to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof; to authorize any such corporation to acquire, construct, own, lease, make loans with respect to, operate, or enter into contracts for the operation of, facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to empower any such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation; to provide that the notes, bonds or other obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes, bonds and other obligations of

any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues and income of such corporation, such transaction or actions to which each such corporation is a party or in which it may be involved, and the notes, bonds and all other obligations of each such corporation and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations; to exempt all utility services agreements and other contracts relating to the design, construction, acquisition, financing or operation of facilities financed by a corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations and all laws relating to the maximum duration of contracts for the sale of personal property and contractual services to counties, municipalities or public corporations; to provide for liberal construction of the provisions of this act, to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any corporation organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality thereof and the Tannehill Furnace and Foundry Commission to enter into utility services agreements, for a term not exceeding forty (40) years, providing for the provision of utility services to such entity by a provider under circumstances in which the facilities for the provision of such utility services are financed, in whole or in part, by a corporation; to provide that such entity may unconditionally and absolutely obligate itself to make payments pursuant to such utility services agreement irrespective of the performance of the facilities or the delivery of the pertinent utility services; to provide that a utility services agreement may provide that when more than one such entity shall be a party to such a utility services agreement and one such entity shall default in its obligations thereunder, then the other such entity or entities may be obligated to assume the payment obligations of such defaulting entity; to provide legal and equitable remedies for the breach of utility services agreements; to prohibit any city, county or instrumentality of either thereof to enter into any utility services agreement or related agreements for the acquisition, construction, equipment or operation of any facilities unless the same shall have been approved by such entity after a public hearing following public notice; to provide that any such corporation shall be a nonprofit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (W), Coleman, Cosby, Davis, Fuller, Gaston, Goodwin, Grayson, Hammett, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Martin, Mathis, Mikell, Mitchell, Onderdonk, Parker, Penry, Preuitt, Rains, Rice, Richardson, Rogers, Starr, Thomas, Turner, Turnham, Venable, Warren, White, (F), White (G) and Zoghby.

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CO-SPONSOR ADDED

Rep. Rice was added as co-sponsor to the bill, H. 585.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turner, the rules were suspended in order to take up out of order the bill, H. 30.

And the bill:

H. 30. (With Substitute): To provide authority for the governing body of any Class 2 municipality covered by the Employees' Retirement System of Alabama, with the consent of the Board of the Employees' Retirement System of Alabama, to provide credit for the prior service of new employees to the extent of their prior service with public employers eligible for coverage under the Employees' Retirement System of Alabama, to provide for special membership service, to define prior service and to provide procedures.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide authority for the governing body of any Class 2 municipality covered by the Employees' Retirement System of Alabama, with the consent of the Board of the Employees' Retirement System of Alabama, to provide credit for the prior service of new employees to the extent of their prior service with public employers eligible for coverage under the Employees' Retirement System of Alabama, to provide for special membership service, to define prior service and to provide procedures.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be applicable to Class 2 municipalities as provided for in Act 79-263.

Section 2. Should any Class 2 municipality which has come under the provisions of § 36-27-1 through § 36-27-30, Code of Alabama 1975, as amended, employ one or more new employees previously employed by any other organizations which would qualify for the provisions of subsection (a) of § 36-27-6, the new employment being by virtue of assuming a governmen-

tal function performed by the immediately preceding employer, and which new employees are members of any retirement, pension, annuity fund or retirement system of their immediately previous employer, hereafter referred to as the local pension system, the participation of such new employees in the retirement system shall be approved as provided in § 36-27-6 as though such local pension system were not in operation, and the provisions of § 36-27-6 shall thereupon apply. However, any person entitled to be covered by the provisions of this Act who chooses to retain membership in the local pension system shall give written notice to this effect to the Mayor or Chief Executive Officer of the municipality prior to a date set by the Board and thereupon such employee shall be excluded from the provisions of this Act. Any cash and securities to the credit of the new employees in the local pension system shall be transferred to the retirement system as of the date of approval. The trustees or other administrative head of the local pension system as of the date of approval shall certify the proportion, if any, of the funds of the system that represents the accumulated contributions of the new employees and the relative shares of such members as of that date. Such shares shall be credited to the respective employee annuity savings accounts of such members in the retirement system as additional contributions. The balance of the funds transferred to the retirement system shall be offset against the accrued liability before determining the special accrued liability contribution to be paid by the employer as provided by subsection (f) of § 36-27-6 and of this Act. Any employee covered under the provisions of this Act entitled to purchase membership service credit for military service shall make the required lump sum payment for the period up to the date from which prior service is computed no later than the date of approval by the Board of the employee's participation in the retirement system, or by such other date that the Board may set; payments due for such membership service credit for military service for the period subsequent to the prior service credit date shall be included in the employer's accrued liability. Prior service credit for each employee shall be computed from the date of employment by the preceding employer or, if such employees are covered by any civil service or merit system, from the date from which annual leave benefits are determined; provided, however, that if any employee has broken service and had withdrawn contributions from the local pension system, then the prior service credit shall be reduced by the period for which contributions were withdrawn from the local pension system. The operation of the local pension system as to the new employees shall be discontinued as of the date of approval.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Buskey (James), Carothers, Carter, Clark (D), Clark (W), Coleman, Davis, Goodwin, Gray, Hammett, Harper, Hooper, Johnson (Roy), Junkins, Kennedy, Mathis, Melton, Mikell, Newman, Nicholson,

Onderdonk, Parker, Poole, Preuitt, Rains, Rice, Smith, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 30, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Carothers, Carter, Clark (W), Coleman, Crow, Davis, Dutton, Fuller, Goodwin, Gray, Hammett, Harvey, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McMillan, Mathis, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Preuitt, Rains, Rice, Rogers, Smith, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G) and Zoghby.

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SPECIAL ORDER RESUMED

And the bill:

H. 353. To amend 1975 Code of Alabama, Section 41-9-71, to conform to current operating procedures and laws which have been revised since passage of this act in 1935.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Buskey (James), Carothers, Carter, Clark (D), Clark (W), Coleman, Dutton, Escott, Flowers, Gaston, Goodwin, Gray, Hammett, Harvey, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Preuitt, Rains, Rice, Rogers, Smith, Starr, Turner, Venable, Warren, White (F), White (G) and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Payne, the rules were suspended in order to take up out of order the bill, H. 763.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Bennett:

S. 93. To provide for and define an additional income tax deduction for a qualified charitable contribution and for a qualified research contribution of certain personal property which is computer, scientific or technological equipment, as defined to any public educational institution, grades 1-12, 2-year and 4-year institutions of higher education, vocational and technical schools and colleges; to prescribe the conditions and calculations for such deductions; to provide that the same property does not qualify for more than one deduction; and to provide that such deductions are not applicable for individuals.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 93. Commerce and Industrial Development.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J):

S. 538. To amend Chapter 17 of Title 27, Code of Alabama 1975, by adding a new section to modify the method of calculating reserves on burial insurance policies.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 538. Insurance.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:10 P.M. on April 25, 1984.

REGULAR SESSION
22nd Day

1487

H. 88
H. J. R. 267
H. 558
H. 346

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Mathis, the House adjourned until 10:00 o'clock a.m., Thursday, April 26, 1984.

TWENTY-THIRD DAY

House of Representatives
Montgomery, Alabama
Thursday, April 26, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Joe Brindley, University of Montevallo, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-second legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J, the reading at length of the Journal of the House for the twenty-second legislative day was dispensed with and the re-

port of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-second legislative day was approved.

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Bugg removed as a co-sponsor of the bill, H. 864.

BILLS ON SECOND READING

Rep. Venable, Vice-Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 799. To amend Section 11-43-2, Code of Alabama 1975, relating to the election of certain mayors and aldermen, and Section 11-43-80, Code of Alabama 1975, relating to the powers and duties of the mayor, so as to provide that the six-month time requirement may be waived to meet compliance with the Federal Voting Rights Act of 1965.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 840. To levy a finance charge of ten cents per acre to be assessed against lands in Hale County, Alabama, which are used for timber growing purposes; to provide protection against forest fires, insects and disease within Hale County; to provide for a referendum on the question; and to prescribe the procedure for the collection of such assessments.

H. 851. Relating to Pike County; prohibiting private agencies, private groups, private corporations, partnerships, private associations, individuals, and any and all other private entities from establishing, maintaining, or operating a correctional, rehabilitation, or juvenile detention facility in Pike County without first obtaining the approval of the county commission.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 889. (With Amendment): Relating to Chambers County; to provide further for the salary of the coroner.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 870. Relating to Mobile County; providing that retired employees of the county health department shall be granted certain cost of living pension increases whenever retired state employees are granted such pension increases.

H. 251. To alter, rearrange and add to the limits of the City of Satsuma in Mobile County, Alabama, and to describe the area so added to the City of Satsuma.

Rep. Albright, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the follow-

ing bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 753. Relating to Madison County; providing for the county governing body to reimburse the office of probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

H. 762. Relating to Madison County; providing further for the compensation of the directors and officers of the airport authority.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 855. Relating to Baldwin County, authorizing the county commission to appropriate money or equipment to certain duly organized, established and approved search and rescue squads or units.

H. 858. Relating to Baldwin County; further providing that the county commission of Baldwin County is hereby authorized to appoint real estate agents or other persons in the real estate field to the Baldwin County Planning Commission, to provide that the real estate agents or persons in the real estate field shall not exceed 25 percent of the composition of the Baldwin County Planning Commission, and giving this act retroactive effect.

H. 859. Relating to the twenty-eighth judicial circuit in Baldwin County; granting certain law enforcement authority to investigators of the district attorney's office and allowing court bailiffs and employees of the district attorney's office to attend grand jury sessions except when said jury is deliberating.

H. 863. To amend the Title and Section 4 of Act No. 80-572, S. 576 (Acts 1980, p. 885), said act relating to Lowndes County and the additional levy of tax on persons, firms and corporations selling and distributing or delivering malt or brewed beverages to retailers, so as to provide further for the administration of the Juvenile Services Trust Fund Account.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 879. (With Amendment): Relating to Macon County; to provide an additional office expense allowance for the county director of pensions and security.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 880. Relating to Macon County; to provide for a secretary-office manager for the county legislative delegation; to provide office space for said official.

H. 881. Relating to Macon County; providing for the election of the

members of the county governing body by districts and requiring that each be elected by the qualified electors residing only within his district.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 882. (With Amendment): Relating to Macon County; providing for election of the members of the county board of education from certain districts which shall be the same as those districts served by county commissioners and providing for a chairman for such board to be elected from the county at-large.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 883. Relating to Macon County; providing further for the deposit and disposition of fees and charges collected by the Judge of Probate of Macon County, pursuant to Act No. 81-584, H. 978, 1981 Regular Session (Acts 1981, p. 969) and Act No. 81-588, H. 1007, 1981 Regular Session (Acts 1981, p. 973), which acts relate to costs for recordings and filings of petitions, so as to provide all such funds shall be deposited to the probate office to be expended for purposes of the probate office, as determined in the sole discretion of the judge of probate; and making the provisions of this act retroactive to May 17, 1981.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 884. (With Amendment): Relating to Macon County; providing for a full-time chairman at the discretion of the county commission until the general election of 1986; providing that in 1986 such chairman shall be elected at-large from the county; authorizing the county commission to set the salary of the chairman within a certain limit and authorizing the chairman to employ an administrative assistant within a certain salary range and other necessary personnel.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 885. Relating to the city of Muscle Shoals; and to provide further for the compensation of the members and chairman of the Utilities Board of the City of Muscle Shoals.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 886. (With Amendment): Proposing an amendment to the Constitution of 1901; relating to legalizing the operation of bingo games for prizes

or money by certain non-profit organizations for charitable or educational purposes in Macon County.

The above bill was read a second time at length as required by the Constitution.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 891. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint City.

H. 892. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Trinity, in Morgan County.

H. 894. Relating to the City of Athens; authorizing the governing body of such municipality to adopt ordinances to provide for the protection of the historic character of the City of Athens; and providing for a Historic Preservation Commission.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 853. To amend Sections 15-12-20, 15-12-21, 15-12-22 and 15-12-24 of the Code of Alabama 1975, relating to defense of indigents, so as to provide further for representation of indigents; and to provide further for the compensation of counsel and reimbursement for expenses incurred; to authorize the state comptroller to withdraw certain amounts from the fair trial tax fund to cover the expenses of administering indigent defense; and to amend Section 12-19-252 of the Code of Alabama 1975, so as to further provide for annual appropriations from the fair trial tax fund to pay the withdrawals of the state comptroller.

H. 828. To make supplemental appropriations from the Public Road and Bridge Fund to the State Highway Department for the fiscal year ending September 30, 1984.

H. 627. To amend Code of Alabama 1975, Section 9-17-25, so as to provide for an exemption for certain uses of natural gas from the Conservation and Production Tax.

H. 626. To amend Code of Alabama 1975, Section 40-20-2, so as to provide for an exemption for certain uses of natural gas from the Privilege Tax on Production.

H. 782. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the reidentification of certain registered voters; providing for the appointment of deputy registrars to aid in the reidentification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with

substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 575. (With Substitute): To provide a "State Black Archives, Research Center and Museum" at Alabama Agricultural and Mechanical University; creating a repository of source materials on Afro-American history and culture and providing authority to receive available funds and make an appropriation.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 693. To further provide for the Greene County Racing Commission; to amend Act No. 376, H. 1040, of the 1975 Regular Session (Acts 1975, p. 926) as amended, relating to the Greene County Racing Commission, its creation, composition, appointment and terms of office, and compensation so as to provide that the Greene County Legislative delegation shall make such appointments and further to increase the composition of the Racing Commission from three to five members and decrease the term of office; to provide for the investment of monies deposited to the credit of the Racing Commission; to provide for the appointment of a Legislative Liaison and compensation; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide a source of funding for the retirement of debt service for a new Greene County courthouse and jail; and to repeal conflicting laws.

H. 703. To increase the salary of supernumerary probate judges receiving vested compensation under Act No. 606, S. 112 of the 1969 Regular Session of the Alabama legislature.

H. 816. To provide, in addition to benefits now received, a graduated percentage cost-of-living increase to all probate judges retired under the Judicial Retirement Fund of Alabama, prior to October 1, 1983; and to provide for the repeal of conflicting laws.

H. 754. To create and establish a Natural Heritage Program in the State Parks Division of the Alabama Department of Conservation and Natural Resources; to provide for the primary purposes and location of the Natural Heritage Program; to define the responsibilities and duties of the Natural Heritage Program staff; to create a Natural Areas Advisory Committee and its duties and responsibilities; to provide for a registry of natural areas and a process for registration and rescission of registration; to provide for public access to registered areas; to create the Alabama Natural Heritage Trust Commission and its duties and responsibilities; to create an Alabama Natural Heritage Trust and provide for the composition and substantive terms thereof; to provide for the management of said trust; to provide for limited circumstances in which condemnation of any property in said trust may occur; to provide for the promulgation of rules and regulations pursuant to this act and penalties thereof; to provide for funding requests in annual budgets for costs and operating expenses; to provide for the expenditure of trust assets and income; to define the protective provisions of this act; to provide for the sale and issuance of use permits for heritage preserves, and to provide for user or subscription fees for natural area inventory information and protection of said information; and to provide for advertisement of and solicitation of donations to the Alabama Natural Heritage Program.

WHEREAS, the Alabama Legislature finds that as a part of the continuing growth of the population and development of the economy of the State it is necessary and desirable that portions of the State's rich natural and cultural diversity be set aside as heritage preserves and sites and protect it for the benefit of present and future generations, for once disturbed they cannot be wholly restored; and

WHEREAS, such areas and features are irreplaceable as laboratories for scientific research; as reservoirs of natural materials for which the value and usefulness thereof is not yet fully known; as habitats for rare and vanishing species; and as living museums where people may observe natural biotic and environmental systems and as areas for study and enjoyment as examples of the lands, structures and related artifacts which represent significant parts of our natural and cultural heritage; and

WHEREAS, a number of independent and differing efforts, both private as well as public, have been initiated to protect some of these assets, a coordinated and concerted program is needed in order to avoid duplication and/or conflict among these and other valuable activities and to insure the maximum conservation of these resources through the establishment of a more effective and adequate official legal mechanism for identifying and recognizing and protecting such areas for their outstanding characteristics; and

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 743. (With Substitute): To amend Sections 33-16-7, 33-16-9 and 33-16-11 of the Code of Alabama 1975 to authorize the Coosa Valley Development Authority to undertake certain additional types of obligations, to modify certain restrictions pertaining to the contractual obligations of said authority, to provide that certain contracts between said authority and the United States shall not be subject to certain requirements generally applicable to contracts of said authority and to clarify the respective responsibilities of said authority and the state docks department with respect to the provision and maintenance of river and canal terminals.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 780. To provide for a supplemental appropriation to the Department of Agriculture and Industries from the Agricultural Fund for the period ending September 30, 1984, in the amount of \$400,000.

H. 864. To extend the state employees' retirement system and any state employees' insurance plan to members and certain past members of the legislature, who for the purpose of coming within the provisions of these plans shall be considered "state employees"; providing that such legislators shall on a voluntary basis elect whether or not they choose to take part in the retirement system or insurance plan; and that the total compensation paid members of the Legislature including per diem, wages, fees, travel and expense allowances and all other forms of compensation shall, for the purposes of this act, be considered as salary for the purpose of making deductions or payment for the insurance and retirement plans.

H. 846. To amend Section 40-20-2, Code of Alabama 1975, so as to provide certain exemptions for occluded natural gas produced from coal seams and to provide for an expiration date.

H. 684. To amend Section 40-9-12 to add Birmingham Football Foundation, Inc., a non-profit corporation, as an organization to which its tax exemption provisions apply.

H. 462. To make an appropriation to the Louisiana, Mississippi, Alabama Rapid Rail Transit Commission.

H. 815. To make an additional appropriation to the Office of the Attorney General for the payment of salaries and other expenses and to provide for repayment of certain amounts to the State Treasury.

H. 745. To exempt from state income taxation certain income earned by a foreign missionary while serving out of this country.

H. 494. To establish and create a licensing board to be known as the Alabama board of electrical contractors for the purpose of testing and licensing electrical contractors; to provide for the appointment of such members and of members of an appeal board; to authorize such board to carry out the purpose of this act; to appropriate funds for such board and to prescribe penalty for violation of this act.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps.: Sasser and Flowers (With Notice and Proof):

H. 897. To authorize and make provision for the incorporation in the city of Ozark of the Ozark Downtown Redevelopment Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Ozark; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase,

renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority; to require compliance with the competitive bid law with respect to any projects receiving public funds; and to require a public hearing prior to the expenditure of any public funds.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 897, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Flowers:

H. 898. To amend Section 17-4-156, Code of Alabama 1975, so as to standardize all activities of the various boards of registrars so that there will be conformity throughout the state in number of days allocated, number of members authorized and reimbursement for services.

Committee on State Administration.

By Rep. Lindsey (With Notice and Proof):

H. 899. To alter, rearrange and extend the boundary lines and corporate limits of the City of Centre in Cherokee County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 899, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Smith:

H. 900. To provide for certain automatic reversion of certain mineral rights to real property when the lessee of such rights has violated an agreement to keep all ad valorem taxes paid current on such property.

Committee on State Administration.

By Reps.: Turner, Kennedy, Zoghby, Box, Kvalheim, Gaston, Harper, Marietta, Clark (W), and Buskey (James):

H. 901. To make provision for the financing and acquisition, construction, equipment and improvement from time to time of docks facilities in the state and to finance such acquisition, construction, equipment and improvements by the issuance of revenue bonds of the Alabama State Docks Department when the Department, with the approval of the governor, shall determine that the issuance of such bonds is necessary for payment of the costs of acquiring, constructing, equipping and improving docks facilities operated or to be operated by the said Department; to authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time its revenue bonds in such aggregate principal amount as said Department, with the approval of the Governor, may deem advisable for such purposes; to provide that certain bonds issued by the Industrial Development Board of the City of Mobile, Alabama, certain bonds issued by the State, and bonds at any time issued by Alabama State Docks Department or any of them, and at the time outstanding, and the interest thereon may be refunded through the issuance by the Department of refunding bonds; to provide that proceeds of the bonds issued under this Act may be used to purchase property owned by the Industrial Development Board of the City of Mobile, Alabama, and leased to Alabama State Docks Department and to prepay said Department's lease obligations to said Board; to provide that the Department shall determine the manner, terms and conditions of the sale or sales of the bonds authorized to be is-

sued under this Act, and to make provisions respecting such sale or sales and the application of the proceeds from the sale or sales thereof; to provide for the method of execution of said bonds and other details pertaining thereto; to provide that bonds issued under this Act shall not create an obligation or debt of the State and shall be limited obligations payable solely out of the revenues of the Department pledged in this Act; to provide that the bonds authorized to be issued under this Act and the income therefrom shall be exempt from taxation; to provide that said bonds may be used to secure deposits of funds of the State and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to provide for the use of the proceeds of said bonds; to provide for the defeasance of said bonds; to authorize the Department to continue to collect all charges and other fees presently imposed and collected by the Department; to pledge funds necessary to pay the principal of, premium, if any, and interest on said bonds; to authorize the Department to pledge for payment of the said principal of, premium, if any, and interest on said bonds the moneys pledged in this Act for that purpose; to preserve outstanding appropriations, pledges and covenants made by the State or the Department; to authorize the Department to covenant to maintain its charges and other fees; to authorize the establishment of a special debt service account to be held by the State Treasurer and used to pay debt service on bonds to be issued under this Act out of moneys paid into such account by the Department, to permit reserve funds for the benefit of outstanding bonds to be used by the Department to provide additions to docks facilities; to provide that if any portion of this Act is held invalid such holding shall not affect the validity of any other portion hereof; and to specify the effective date of this Act.

Committee on Ways and Means.

By Reps.: Turner, Kennedy, Zoghby, Box, Gaston, Harper, Marietta, Clark (W), Buskey (James), and Kvalheim:

H. 902. To propose an amendment to the Constitution of Alabama of 1901 providing that certain securities issued by or on behalf of the Alabama State Docks Department shall not constitute debts of the State within the meaning of any state constitutional provision.

Committee on Ways and Means.

The above bill was read a first time at as required by the Constitution.

By Rep. Grouby (With Notice and Proof):

H. 903. Relating to Autauga County; granting discretionary authority to each member of the county commission to assume certain additional duties heretofore performed by a district county commission foreman and prescribing the annual salaries of the members of the county commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 903, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Coleman:

H. 904. To provide that any appropriations made to the various state agencies and departments for coverage of State Employees' Health Insurance Plan shall also include an appropriation to the State Employees'

Health Insurance Board for funding insurance coverage for retired employees.

Committee on Ways and Means.

By Rep. Rogers:

H. 905. To amend Section 36-27-16 of the Code of Alabama 1975, so as to provide for retirement of an employee covered under the state employees' retirement system upon the attainment of the age of 55 years and 25 or more years of creditable service and to provide for an appropriate reduction in retirement annuity for each year of service less than 30.

Committee on Ways and Means.

BILLS ON THIRD READING

And the bill:

H. 608. Relating to Mobile County, to amend further Section 5 of an Act No. 242, S. B. 79, 1876 of the general assembly approved February 15, 1876 which regulates public schools in the County, as last amended by Act No. 480, S. 485, 1969 Regular Session (Acts 1969, p. 937), which relates to the county board of education.

Which was postponed as amended on the twenty-second legislative day, was read a third time at length and passed, and ordered engrossed.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Carter, Clark (D), Clark (W), Crow, Davis, Fuller, Gaston, Hammett, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, McMillan, Mathis, Melton, Mitchell, Moore, Newman, Onderdonk, Penry, Perdue, Rains, Rice, Sasser, Spratt, Starkey, Tanner, Thomas, Turner, Venable, White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 529. Relating Shelby County; to amend Section 8 of Act No. 82-771, S. 93, 1982 Second Special Session, (Acts 1982, 2nd Special Session, p. 262), which created the Shelby County Planning Commission, so as to provide that the election be held in each beat on whether or not the authority of the commission, its master plan and zoning regulations shall apply to such beat may not be held any more often than once every two years.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Carter, Clark (D), Clark (W), Crow, Davis, Gaston, Hettinger, Hooper,

Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Rains, Reed, Rice, Richardson, Rogers, Sasser, Starkey, Tanner, Thomas, Turner and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 710. An act, to restate, confirm, and describe the boundaries and corporate limits of the City of Alabaster, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey (John), Carter, Clark (D), Clark (W), Crow, Davis, Fuller, Gaston, Goodwin, Hammett, Hettinger, Hooper, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Onderdonk, Parker, Perdue, Rains, Reed, Rice, Richardson, Rogers, Sasser, Starkey, Starr, Tanner, Thomas, Turner, Venable and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 789. (With Amendment): Relating to Jackson County, creating a Jackson County Economic Development Authority and providing for said authority's composition, terms, duties and powers.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

On page 1, in Section 2, on lines 34 and 35, delete the words: "Board of Directors of the Jackson County Economic Development Authority" and insert in lieu thereof the following: same appointing authority who made the initial appointment

And the amendment was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey (John), Carter, Clark (D), Clark (W), Crow, Fuller, Gaston, Hammett, Hettinger, Hooper, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Poole, Rains, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 789, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey (John), Carter, Clark (D), Clark (W), Cosby, Crow, Davis, Fuller, Gaston, Goodwin, Hammett, Hettinger, Hooper, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Rains, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Turner, Venable and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 790. Relating to Jackson County; to amend Act 79-473, S. 639, Regular Session 1979, as amended (Acts 1979, p. 873), so as to allocate a portion of T.V.A. payments made to Jackson County to the Jackson County Economic Development Authority and to remove the provision regarding unused money allocated to the legislative delegation office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 1.

Yeas:

Mr. Speaker, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey (John), Carter, Clark (D), Clark (W), Cosby, Crow, Davis, Fuller, Gaston, Goodwin, Hammett, Hettinger, Hooper, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole,

Rains, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Venable and Zoghby.

—51

Nay: Rep. Hall.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 797. Relating to Tuscaloosa County; providing further for the distribution of the beer tax levied by Section 28-3-190, Code of Alabama 1975.

Was taken up.

SUBSTITUTE OFFERED

Rep. Mitchell offered the following substitute to the bill, H. 797:

A BILL
TO BE ENTITLED
AN ACT

Relating to Tuscaloosa County; providing further for the distribution of the beer tax levied by Section 28-3-190, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to Section 28-3-190, Code of Alabama 1975, relating to levelized beer taxes, in Tuscaloosa County the entire proceeds of the tax collected and paid to the county pursuant to said section shall be paid to the judge of probate and distributed by him as follows:

(a) Fifty-five percent shall be distributed by him in accordance with the provisions of Act No. 81-739, H. 1088, 1981 Regular Session (Acts 1981, p. 1266).

(b) The remaining forty-five percent shall be distributed by him according to the following formula:

1. Forty-seven percent to the general fund of the county;
2. Thirty-one percent to the general fund of the City of Tuscaloosa;
3. Four and three-fourths percent to the general fund of the City of Northport;
4. Five and one-fourth percent to the general fund of the City of Northport to be used to pay each month all full-time public safety employees in addition to any compensation which they presently receive;
5. Three percent to the general fund of the City of Brookwood;
6. One percent to the general fund of the City of Vance; and
7. Eight percent to the Tuscaloosa County Park and Recreation Authority for capital outlay, park renovation and park improvement purposes. The funds distributed pursuant to this section shall not be used to pay salaries or general operating costs.

(c) Any subsidy received by the county pursuant to Section 28-3-196, Code of Alabama 1975, shall continue to be paid and distributed as prescribed in Section 28-3-190(c)(2)(dd)(2), Code of Alabama 1975.

Section 2. This act shall become effective October 1, 1984 upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey (John), Butler, Carter, Clark (D), Cosby, Crow, Davis, Fuller, Gaston, Goodwin, Hammett, Harvey, Hettinger, Hooper, Johnson (Roy), Kennedy, Kvalheim, Lindsey, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Perdue, Poole, Rains, Rice, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 797, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Buskey (John), Carter, Clark (D), Cosby, Crow, Dutton, Fuller, Gaston, Goodwin, Hammett, Hettinger, Hooper, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Rains, Rice, Richardson, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 798. Relating to Elmore County; to provide that the sheriff shall be entitled to the allowances payable by the state, county or municipalities for feeding prisoners housed in the Elmore County Jail; and to provide that the provisions of this Act shall be retroactive to January 18, 1983.

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Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey (John), Carter, Clark (D), Clark (W), Crow, Dutton, Fuller, Gaston, Goodwin, Grouby, Hammett, Harvey, Hettinger, Hooper, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Poole, Rains, Rice, Richardson, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (L), and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 808. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 809. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan,

McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 819. (With Substitute): Relating to Calhoun County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the termination date.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Calhoun County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the termination date.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall only apply to Calhoun County.

Section 2. All words, terms, and phrases as defined in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4 of the Code of Alabama 1975, as amended, providing for the levy of a state sales tax shall, wherever used in this act, have the same meanings respectively ascribed to them in said sections, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this act shall have the following respective meanings except where the context clearly indicates a different meaning:

“State sales tax statutes” means Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4 of the Code of Alabama 1975, as amended, which levy a certain retail sales tax, and include all statutes, including amendments to said sections, which expressly set forth any exemptions from the computation of the tax levied by said sections and all other statutes which expressly apply to, or purport to affect, the administration of said sections and the incidence and collection of the tax imposed therein;

“State sales tax” means the tax imposed by the state sales tax statutes;

“Month” means the calendar month;

“County” means Calhoun County.

Section 3. Effective July 1, 1984, there is hereby levied and imposed in addition to all other taxes, including municipal gross receipts license taxes now imposed by law, a special county one cent (\$.01) privilege license tax paralleling the state sales tax, such privilege license tax to be determined by the application of rates against gross sales or gross receipts, as the case may be, and within specified areas.

Said additional one cent (\$.01) tax imposed by this act shall terminate on December 31, 1985.

There are exempted, however, from the provisions of this section and from the computation of the amount of the additional tax imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax. Provided, however, it is intended that the sales of machinery used in mining and manufacturing, automotive vehicles or truck trailers, semitrailers or house trailers and farm machinery as described by subsections (3) and (4) of section 40-23-2 and section 40-23-37, Code of Alabama 1975, shall be taxed at an amount of $\frac{1}{4}$ of the one cent (\$.01) additional tax imposed by this act.

Section 4. The one cent (\$.01) sales tax authorized to be levied in Section 3 of this act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues. All taxes levied in this act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax. On or prior to the due dates of the tax herein levied each person subject to such tax shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business transactions that are required to be used as a measure of the tax levied, a correct statement of the gross proceeds of all such sales and gross receipts of all such business transactions. Such report shall also include such other items of information pertinent to the said tax and the amount thereof as the state department of revenue may require. Any person subject to the tax levied may defer reporting credit sales until after their collection, and in the event such person so defers reporting them, such person shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the tax due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the Calhoun County Commission, or its designated agent, at reasonable times during business hours.

Section 5. Each person engaging or continuing within Calhoun County in a business subject to the tax levied in Section 3 of this act, shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said sale or admission. It shall be unlawful for any person subject to the tax levied to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sale or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof.

Section 6. The tax imposed by this act shall constitute a debt due Calhoun County and may be collected as provided by law. The said tax,

together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said tax is due or who is required to collect said tax. All of the provisions of the revenue laws of this state which apply to the enforcement of liens for license tax due this state shall apply fully to the collection of the tax herein levied, and the state department of revenue, for the use and benefit of Calhoun County shall collect such tax and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the tax levied by this act, and to otherwise enforce the provisions of this act, including any litigation involving this act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the tax collected by it for Calhoun County.

Section 7. All provisions of the state sales tax statutes with respect to payment, assessment, and collection of the state sales tax, making of reports and keeping and preserving records with respect thereto, penalties for failure to pay the tax, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 3 of this act shall apply to the county tax levied under this act. The state commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties and obligations with respect to the county tax levied under this act that are imposed on such commissioner and department, respectively, by the state tax statutes. All provisions of the state sales tax statutes that are made applicable by this act to the county tax levied under this act and to the administration and enforcement of this act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 8. The state department of revenue shall charge Calhoun County for collecting the special county tax levied under this act such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the Calhoun County Commission, but such charge shall not, in any event, exceed ten percent of the total amount of the special county tax collected in said county under this act. Such charge for collecting such special tax may be deducted each month from the gross revenues from such special tax before certification of the amount of the proceeds thereof due Calhoun County for that month. The commissioner of revenue shall pay into the state treasury all tax collected under this act, as such tax is received by the department of revenue, and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collection hereunder) the commissioner shall certify to the state comptroller the amount of tax collected under the provisions of this act and paid by him into the state treasury for the benefit of Calhoun County during the month immediately preceding such certification. Provided, however, that before certifying the amount of the tax paid into the state treasury for the benefit of Calhoun County during each month, the commissioner may deduct from the tax collected in said month the charge due the department for the collection of the tax for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the county treasurer of Calhoun County in his official capacity in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. He shall then deliver to the Calhoun County Commission the balance remain-

ing. All revenues arising from the taxes herein levied shall be utilized for acquiring, constructing and equipping Calhoun County Jail.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. Provided, however, on December 31, 1985, the provisions of this act shall terminate and this act shall become null and void and have no further effect.

And the substitute was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 819. Relating to Calhoun County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the termination date.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 820. Relating to Cullman County; authorizing any town or municipality in said county to regulate the business hours of game and billiard rooms either by ordinance, rule or regulation or by license fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 821. (With Amendment): Relating to Cullman County; authorizing a procedure whereby the sheriff is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the sheriff's department of the county and stored by said department but which has been unclaimed after six (6) months; providing that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Cullman County, or by posting in a conspicuous place at the county courthouse; providing that the first publication or posting of said notice shall be twenty days before the said auction; providing a procedure for the conduct of said auction; providing that the owner of any of the abandoned or stolen property recovered and stored by the sheriff may redeem the same at any time prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of the county.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 821, page 3, Section 3, line 1 after the word "two" by striking suecessi and inserting in lieu thereof the following: successive

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks,

Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill H. 821, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 822. Relating to Cullman County; to provide for a special recording fee on documents filed in the office of the judge of probate; to provide that such special recording fee be used for the purpose of acquiring and maintaining electronic data processing equipment for the office of the judge of probate.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 823. Providing full-time status for the associate county commissioners of Cullman County; providing certain salaries for such commissioners and prescribing realms of responsibility relating to the county road program for such commissioners.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 824. Relating to Cullman County; providing for the compensation of the sheriff, the judge of probate, the revenue commissioner, the coroner and the chairman of the county commission and providing a certain annual expense allowance for the court reporters of the thirty-second judicial circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 825. Relating to selling and redeeming lands for taxes in Cullman County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore,

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Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 826. Relating to Blount County; authorizing certain county health officers or administrators to issue official death certificates, levy and collect fees therefor; and providing for the distribution of such revenues for county health purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 831. Relating to Houston County; providing for a certain additional monthly expense allowance for the county coroner which shall terminate on December 31, 1986; providing for a certain monthly salary for such coroner to be effective at the beginning of the next term of office with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for such coroner; authorizing the county commission to pay any operating expenses for such coroner's office retroactive to October 1, 1970; authorizing said coroner to appoint a deputy coroner to serve in his absence and specifically repealing certain conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 836. Relating to county health officers or administrators in Walker County; authorizing such persons to issue official death certificates.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 839. (With Amendment): Relating to county health officers or administrators in Cherokee County; authorizing such persons to issue official death certificates; providing penalties for violation of this Act; and to provide that fees collected for certain services shall be accounted for and remitted to the treasurer of the county board of health or like official for custody subject to disbursement in the interest of health services in the county.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend House Bill 839, Page 1, Section 1, line 27 after the words "by the" by striking ~~sate~~ and inserting lieu thereof the following: state

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill, H. 839, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 845. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 849. Relating to Lauderdale County; providing further for the compensation of the members of the board of registrars.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—71

And the bill:

H. 852. Relating to county health officers or administrators in Chambers County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Reps.: Adams, Box, Brakefield, Brooks, Bryant, Buskey (John), Clark (D), Clark (W), Davis, Fuller, Gaston, Gray, Harper, Hettinger, Horn, Johnson (Roy), Kennedy, Kvalheim, Laird, Lindsey, McNair, Marietta, Martin, Mathis, Moore, Nicholson, Perdue, Poole, Pratt, Rains, Rice, Rogers, Smith, Spratt, Starkey, Tanner, Trammell, Turnham, White (G) and White (L).

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 857. To alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford in Calhoun County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Reps.: Adams, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey (John), Campbell, Carter, Clark (D), Davis, Flowers, Fuller, Gaston, Goodwin, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (Roy), Kennedy, Kvalheim, Laird, Lindsey, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Nicholson, Poole, Preuitt, Rains, Reed, Rice, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (G) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 861. Relating to Randolph County; to provide for the mailing addresses of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Reps.: Adams, Black, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Burke, Clark (D), Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Poole, Rains, Rice, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (G) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 862. Relating to county health officers or administrators in Cleburne County; authorizing such persons to issue official death certificates; providing penalties for violation of this Act; and to provide that fees collected for certain services shall be accounted for and remitted to the treasurer of the county board of health or like official for custody subject to disbursement in the interest of health services in the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Reps.: Adams, Black, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Clark (D), Fuller, Gaston, Goodwin, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (Roy), Kennedy, Kvalheim, Laird, Lindsey, Marietta, Mitchell, Moore, Nicholson, Parker, Poole, Rains, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (G) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. 428 RE-REFERRED

On motion of Rep. Zoghby, the Speaker re-referred the bill, S. 428, from the Standing Committee on Ways and Means to the Standing Committee on Banking.

BILLS ON THIRD READING RESUMED

And the bill:

H. 867. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate

limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Reps.: Black, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Carter, Clark (D), Clark (W), Fuller, Gaston, Goodwin, Gray, Harper, Hettinger, Holley, Hooper, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Payne, Poole, Preuitt, Rains, Rice, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 868. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Reps.: Adams, Albright, Black, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Carter, Clark (D), Clark (W), Gaston, Goodwin, Gray, Harper, Hettinger, Hooper, Horn, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Rains, Rice, Seibels, Smith, Spratt, Starkey, Tanner, Turner, Turnham, Venable, White (G) and White (L).

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 633. Relating to the Tenth Judicial Circuit, Bessemer Division; effective upon the expiration of the present term of office, the elected deputy district attorney shall serve a six year term of office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Reps.: Albright, Black, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Carter, Clark (D), Clark (W), Davis, Escott, Gaston, Goodwin, Gray, Harper, Hettinger, Hooper, Horn, Kennedy, Kvalheim, Lauderdale, McDowell, Marietta, Mathis, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Penry, Pratt, Rains, Rice, Rogers, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 830. Relating to Henry County, Alabama; providing for the amendment of Section 3 of Act No. 83-559 of the regular session of the 1983 legislature of the State of Alabama, providing for the compensation of the Clerks in the office of the County Revenue Commissioner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Reps.: Beers, Black, Blake, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Carter, Clark (D), Cosby, Davis, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Hammett, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McNair, Mathis, Mikell, Moore, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Rains, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—64

CO-SPONSOR ADDED

Rep. Holley was added as co-sponsor to the bill, H. 830.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 284. DESIGNATING APRIL 30—MAY 6, 1984, AS BOBBY ALLISON WEEK IN ALABAMA.

McDOWELL LEE,
Secretary.

H. R. 282 AGAIN TAKEN UP
AMENDMENT OFFERED

Rep. Beers offered the following amendment to the resolution, H. 282, adopted as the continuing Special Order of Business on the twenty-second legislative day:

Amend H. R. 282 by inserting H. B. 405 by Beers as substituted (unfinished business) before H. B. 354 on the special order calendar of Wednesday, April 25, 1984.

MOTION TO TABLE LOST

The motion offered by Rep. Penry to table the amendment offered by Rep. Beers to the resolution, H. R. 282, was lost.

Yeas 40; Nays 46.

Yeas:

Reps.: Albright, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Buskey (John), Campbell, Davis, Dutton, Escott, Fuller, Grayson, Hall, Harper, Hettinger, Horn, Junkins, Kennedy, Lindsey, McDowell, McMillan, McNair, Marietta, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Rogers, Seibels, Spratt, Thomas, Turnham, White (L) and Zoghby.

—40

Nays:

Reps.: Adams, Bachus, Beers, Biddle, Blake, Boles, Brakefield, Britnell, Browder, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Flowers, Gaston, Goodwin, Gray, Grouby, Hammett, Hooper, Johnson (R.G.), Kvalheim, Laird, Lauderdale, McKee, Mikell, Payne, Pratt, Preuitt, Rains, Rice, Richardson, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren and White (G).

—46

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Beers to the resolution, H. R. 282, and the amendment was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 585. To make legislative findings regarding the need to provide additional methods of providing facilities employed in the provision of certain utility services, including water and sewer services, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certifi-

cate of incorporation of any such corporation to be amended at any time and from time to time upon the filing of application with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof; to authorize any such corporation to acquire, construct, own, lease, make loans with respect to, operate, or enter into contracts for the operation of, facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to empower any such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation; to provide that the notes, bonds or other obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes, bonds and other obligations of any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues and income of such corporation, such transaction or actions to which each such corporation is a party or in which it may be involved, and the notes, bonds and all other obligations of each such corporation and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations; to exempt all utility services agreements and other contracts relating to the design, construction, acquisition, financing or operation of facilities financed by a corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations and all laws relating to the maximum duration of contracts for the sale of personal property and contractual services to counties, municipalities or public corporations; to provide for liberal construction of the provisions of this act; to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any corporation organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality thereof and the Tannehill Furnace and Foundry Commission to enter into utility services agreements, for a term not exceeding forty (40) years, providing for the provision of utility services to such entity by a provider under circumstances in which the facilities for the provision of such utility services are financed, in whole or in part, by a corporation; to provide that such entity may unconditionally and absolutely obligate itself to make payments pursuant to such utility services agreement irrespective of the per-

formance of the facilities or the delivery of the pertinent utility services; to provide that a utility services agreement may provide that when more than one such entity shall be a party to such a utility services agreement and one such entity shall default in its obligations thereunder, then the other such entity or entities may be obligated to assume the payment obligations of such defaulting entity; to provide legal and equitable remedies for the breach of utility services agreements; to prohibit any city, county or instrumentality of either thereof to enter into any utility services agreement or related agreements for the acquisition, construction, equipment or operation of any facilities unless the same shall have been approved by such entity after a public hearing following public notice; to provide that any such corporation shall be a nonprofit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

JIMMY CLARK,
Chairman.

And the bill, H. 585 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 637. Establishing the powers and authority and requirements of district attorney's investigators of the fourteenth judicial circuit of Alabama.

JIMMY CLARK,
Chairman.

And the bill, H. 637 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 792. To authorize and make provision for the incorporation in the City of Opelika of the Opelika Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Opelika; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers;

to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive

bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

JIMMY CLARK,
Chairman.

And the bill, H. 792 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar as amended.

And the bill:

H. 405. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years of age to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

As amended on the eighteenth legislative day, was taken up.

AMENDMENT OFFERED

Rep. Davis offered the following amendment to the bill, H. 405 as amended:

Amend Substitute to H. 405 on page 2, Section 2, line 12 through 15, by deleting said lines in their entirety and substituting in lieu thereof the following:

(3) UNEMANCIPATED: Any woman who meets all of the following: (a) has never been married; and (b) lives in the same household with a parent or guardian; and (c) receives more than 50% of financial support annually from a parent or guardian.

AMENDMENT TABLED

On motion of Rep. Beers, the amendment offered by Rep. Davis to the bill, H. 405 as amended, was tabled.

Yeas 47; Nays 25.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blakeney, Bowling, Britnell, Brooks, Browder, Burke, Carter, Clark (D), Coleman, Cosby, Crow, Gaston, Gray, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McKee,

REGULAR SESSION
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Mitchell, Moore, Newman, Payne, Poole, Pratt, Rains, Sasser, Smith, Tanner, Trammell, Turner, Venable, White (F) and White (G).

—47

Nays:

Reps.: Box, Bryant, Bugg, Buskey (John), Davis, Escott, Grayson, Harper, Holmes, Horn, Kennedy, Lindsey, McDowell, McNair, Marietta, Melton, Parker, Penry, Perdue, Reed, Rogers, Spratt, Starkey, White (L) and Zoghby.

—25

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 321. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Marietta would have voted "Yea" on the bill, H. 608, had she been present at the time of voting.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 284. DESIGNATING APRIL 30—MAY 6, 1984, AS BOBBY ALLISON WEEK IN ALABAMA.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 819. Relating to Calhoun County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the termination date.

JIMMY CLARK,
Chairman.

And the bill, H. 819 as engrossed, was ordered sent to the Senate.

H. 405 RESUMED
AMENDMENT OFFERED

Rep. McDowell offered the following amendment to the bill, H. 405 as amended:

On page 5, after line 7, insert the following as a new Section 7 and renumber subsequent sections accordingly:

Section 7. It shall be a Class A misdemeanor for any unemancipated minor to misrepresent her name or her age under the provisions of this act.

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AMENDMENT TABLED

On motion of Rep. Beers, the amendment offered by Rep. McDowell to the bill, H. 405 as amended, was tabled.

Yeas 46; Nays 26.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blakeney, Brakefield, Britnell, Brooks, Browder, Burke, Clark (D), Coleman, Cosby, Crow, Gaston, Gray, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, Moore, Newman, Payne, Poole, Pratt, Preuit, Rains, Sasser, Seibels, Starr, Tanner, Trammell, White (F) and White (G).

—46

Nays:

Reps.: Bowling, Box, Bryant, Bugg, Buskey (James), Buskey (John), Davis, Escott, Grayson, Holmes, Horn, Kennedy, Lindsey, McDowell, McNair, Marietta, Melton, Mitchell, Nicholson, Parker, Perdue, Rogers, Spratt, Starkey, White (L) and Zoghby.

—26

AMENDMENT OFFERED

Rep. Butler offered the following amendment to the bill, H. 405 as amended:

House Bill 405 is hereby amended by deleting Section 5 beginning on page 4, line 25 and ending on page 5, line 2 in its entirety and substituting therefor the following Section 5:

Section 5. Section 3 of this act shall not apply when, in the best clinical judgment of a physician licensed to practice medicine in this state on the basis of the facts of the case which are known to him, a medical emergency exists that so compromises the health, safety or well-being of the minor as to require an immediate abortion. A physician performing an abortion under the authority of this subsection shall document in writing the medical indications upon which his judgment was based. Within ten (10) days after the abortion the physician shall advise the parent(s) or legal guardian(s) of the minor or incompetent that an abortion has been performed, unless prior to the expiration of the ten (10) day period such minor or incompetent shall secure a waiver of notice from the district or circuit Court using the procedures and standards specified in Section 4. No physician who complies with the advice and notification requirements of this subsection shall be liable in any manner to the minor or incompetent upon whom the abortion was performed for any claim whatsoever arising out of or based on the disclosure of the medical condition of such minor or incompetent to her parent(s) or legal guardian(s). In no event shall the physician be under any duty to initiate proceedings in the district or circuit court to secure a waiver of the notice requirement on behalf of any minor or incompetent upon whom an abortion is performed pursuant to the authority of this subsection.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 6.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Blake, Blakeney, Boles, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Escott, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Moore, Newman, Parker, Perdue, Preuitt, Reed, Rice, Rogers, Sasser, Spratt, Starkey, Tanner, Trammell, Venable, White (F), White (G), White (L) and Zoghby.

—63

Nays:

Reps.: Box, Harper, McDowell, Marietta, Nicholson and Rains.

—6

AMENDMENT OFFERED

Rep. Escott offered the following amendment to the bill, H. 405 as amended:

On page 1, line 19 of the short title delete the following words: eight months

On page 2, line 16, delete the comma after the word "years" and insert in lieu thereof a period.

On page 2, line 19, delete the following words: eight months

AMENDMENT TABLED

On motion of Rep. Beers, the amendment offered by Rep. Escott to the bill, H. 405 as amended, was tabled.

Yeas 44; Nays 27.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blakeney, Britnell, Brooks, Browder, Burke, Butler, Clark (J), Coleman, Cosby, Crow, Dutton, Gray, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Laird, Lauderdale, McKee, Martin, Newman, Payne, Poole, Pratt, Rains, Richardson, Sasser, Smith, Starr, Trammell, Venable, White (F), White (G) and Zoghby.

—44

Nays:

Reps.: Black, Box, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Grayson, Harper, Horn, Kennedy, Lindsey, McDowell, McNair, Marietta, Melton, Nicholson, Onderdonk, Parker, Penry, Perdue, Rogers, Spratt, Starkey and White (L).

—27

AMENDMENT OFFERED

Rep. Escott offered the following amendment #2 to the bill, H. 405 as amended:

Amend H. B. 405 on page 1, line(s) 11, 19 by (striking) after the word than the following:

seventeen years eight months old

and on

Page 2, Line 16, after the words "of"

striking the words "17 years, eight months."

and inserting in lieu thereof, the following:

eighteen

and on:

Page 2, Line 16, after the word "of"

adding the word, "18 years"

MOTION TO TABLE

Rep. Bachus offered the motion to table the amendment 2 offered by Rep. Escott to the bill, H. 405 as amended.

SUBSTITUTE MOTION TABLED

On motion of Rep. Bachus, the substitute motion offered by Rep. Johnson (Roy) to postpone further consideration of the bill, H. 405 as amended, and the pending amendment to the twenty-fourth legislative day, was tabled.

Yeas 44; Nays 43.

Yeas:

Reps.: Adams, Bachus, Beers, Biddle, Blakeney, Boles, Britnell, Brooks, Browder, Burke, Butler, Clark (D), Clark (J), Coleman, Cosby, Crow, Flowers, Gaston, Goodwin, Gray, Grouby, Hettinger, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, Mathis, Mikell, Payne, Pratt, Preuitt, Rains, Rice, Starr, Tanner, Trammell, Venable, Warren, White (F) and White (G).

—44

Nays:

Mr. Speaker, Albright, Black, Blake, Bowling, Box, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Coburn, Davis, Escott, Ford, Grayson, Hall, Harper, Harvey, Holley, Holmes, Horn, Johnson (Roy), Kennedy, Lindsey, McDowell, McNair, Marietta, Martin, Melton, Mitchell, Newman, Nicholson, Penry, Perdue, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, White (L) and Zoghby.

—43

AMENDMENT TABLED

The question was then on the adoption of the amendment 2 offered by

Rep. Escott to the bill, H. 405 as amended, and on motion of Rep. Bachus, the amendment was tabled.

Yeas 57; Nays 30.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Boles, Brakefield, Britnell, Brooks, Browder, Burke, Butler, Clark (D), Clark (J), Coleman, Cosby, Crow, Flowers, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, McKee, McMillan, Mathis, Mikell, Moore, Newman, Payne, Pratt, Preuitt, Rains, Richardson, Sasser, Smith, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F) and White (G).

—57

Nays:

Reps.: Black, Bowling, Box, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Coburn, Davis, Escott, Grayson, Harper, Holmes, Horn, Kennedy, McDowell, Marietta, Melton, Mitchell, Nicholson, Parker, Penry, Perdue, Reed, Seibels, Spratt, Starkey, White (L) and Zoghby.

—30

MOTION TO POSTPONE TABLED

On motion of Rep. Beers, the motion offered by Rep. Johnson (Roy) to postpone further consideration of the bill, H. 405 as amended, until 7:00 o'clock p.m., was tabled.

Yeas 42; Nays 40.

Yeas:

Reps.: Adams, Bachus, Beers, Biddle, Black, Blakeney, Boles, Britnell, Brooks, Browder, Burke, Butler, Carothers, Coleman, Crow, Faulk, Flowers, Gaston, Gray, Grouby, Harper, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, Lauderdale, McKee, Mathis, Mikell, Newman, Payne, Preuitt, Rains, Rice, Starr, Tanner, Trammell, Venable, Warren, White (F) and White (G).

—42

Nays:

Mr. Speaker, Albright, Blake, Bowling, Box, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Coburn, Davis, Escott, Grayson, Hall, Harvey, Holley, Holmes, Horn, Johnson (Roy), Kennedy, Lindsey, McDowell, McNair, Marietta, Melton, Mitchell, Nicholson, Onderdonk, Parker, Penry, Perdue, Reed, Richardson, Rogers, Spratt, Starkey, Turner, White (L) and Zoghby.

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MOTION TO POSTPONE

Rep. Coburn offered the motion to postpone further consideration of the bill, H. 405 as amended until 7:30 o'clock p.m.

MOTION TO TABLE LOST

The motion offered by Rep. Beers to table the motion to postpone offered by Rep. Coburn, was lost.

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Yeas 33; Nays 42.

Yeas:

Reps.: Adams, Bachus, Beers, Biddle, Blakeney, Boles, Britnell, Brooks, Butler, Crow, Faulk, Gaston, Gray, Hammett, Harper, Hooper, Johnson (R.G.), Junkins, Laird, Lauderdale, McDowell, McKee, McMillan, Mikell, Payne, Pratt, Rains, Starr, Tanner, Trammell, Venable, Warren and White (G).

—33

Nays:

Mr. Speaker, Albright, Black, Bowling, Box, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (W), Coburn, Davis, Escott, Grayson, Hall, Holley, Horn, Johnson (Roy), Kennedy, Lindsey, McNair, Marietta, Melton, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Reed, Rogers, Smith, Spratt, Starkey, Thomas, Turner, White (F), White (L) and Zoghby.

—42

H. 405 POSTPONED

The question was then on the motion offered by Rep. Coburn to postpone further consideration of the bill, H. 405 as amended, until 7:30 o'clock p.m., and the motion was adopted.

Yeas 42; Nays 35.

Yeas:

Mr. Speaker, Albright, Black, Bowling, Box, Brakefield, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carothers, Clark (W), Coburn, Davis, Escott, Grayson, Hall, Harper, Holley, Horn, Johnson (Roy), Kennedy, Lindsey, McDowell, McNair, Marietta, Melton, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Reed, Rogers, Smith, Spratt, Starkey, Turner and White (L).

—42

Nays:

Reps.: Adams, Bachus, Beers, Biddle, Blakeney, Boles, Britnell, Brooks, Burke, Butler, Crow, Faulk, Flowers, Gaston, Gray, Hammett, Hooper, Johnson (R.G.), Junkins, Laird, Lauderdale, McKee, McMillan, Mikell, Payne, Pratt, Preuitt, Rains, Richardson, Starr, Tanner, Trammell, Venable, Warren and White (G).

—35

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 302. BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, April 26, 1984, we adjourn to meet again on Tuesday, May 1, 1984.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 302, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 303. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, April 26, 1984, we adjourn to meet again on Tuesday, May 1, 1984, at 1:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 303, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 354. To amend 1975 Code of Alabama, Section 22-52-17, which relates to mental health evaluations and commitments so as to require all probate judges to utilize mental health facilities of the State of Alabama when available.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Blakeney, Boles, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Gaston, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (G) and Zoghby.

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H. 526 TEMPORARILY POSTPONED

On motion of Rep. Campbell, the bill, H. 526, was temporarily postponed.

RESOLUTION

The following resolution was introduced:

By Rep. White (L):

H. R. 304. COMMISSIONING GEORGE G. SEIBELS, JR., AS OUR OFFICIALLY ACCREDITED REPRESENTATIVE TO THE NATIONAL CONVENTION OF THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED.

WHEREAS, our colleague and former mayor of the City of Birmingham, Alabama, George G. Seibels, Jr., has for many years been actively involved in efforts to improve conditions for the handicapped; and

WHEREAS, during his mayoral terms of office and as a Birmingham city councilman, Mr. Seibels led the way toward the removal of architectural barriers on city streets and sidewalks and in many public buildings

and other facilities formerly inaccessible to the handicapped; sidewalk ramps were then installed as were other aids to mobility; and

WHEREAS, Representative Seibels, in roles of active participation in the National League of Cities and the U. S. Conference of Mayors, further urged, through resolutions and personal involvement, other elected officials throughout the United States to initiate programs and projects to aid the handicapped such as those pioneered in Birmingham; and

WHEREAS, Representative Seibels was the first mayor appointed to the President's Committee on Employment of the Handicapped and has since served in that capacity for 15 years, attending several conventions of this national committee; and

WHEREAS, our friend George Seibels, as a legislator, has continued his efforts in causes of the handicapped, including barrier removal and employment; and

WHEREAS, former Mayor Seibels has now been invited to attend the May 2-4, 1984, convention in Washington D. C., of the President's Committee on Employment of the Handicapped; in such delegate authority, Mr. Seibels will of course be privy to discussions and official actions of convention meetings, seminars and sessions, and will undoubtedly be involved in decisions of vital interest to this body, impacting on Alabama's handicapped whose interests we are committed to serve; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA ON THIS, THE 26TH DAY OF APRIL, 1984, That we hereby commission State Representative George G. Seibels, Jr., as our officially accredited envoy, and voice in absentia, to the May 2-4, 1984, National Convention of the President's Committee on Employment of the Handicapped.

On motion of Rep. White (L), the rules were suspended and the resolution, H. R. 304, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. White (F), the rules were suspended in order to take up out of order the bill, H. 850.

And the bill:

H. 850. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Pollard in Escambia County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Biddle, Blake, Blakeney, Boles, Box, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Clark (J), Coleman, Cosby, Crow, Faulk, Flowers, Gaston, Grouby, Harvey, Hooper, Junkins, Kennedy, Kvalheim, Lindsey, McKee, McMillan, Mathis, Melton, Newman, Nicholson, Onderdonk, Parker, Penry, Preuit, Rains, Reed, Rice, Richardson, Sasser, Seibels, Spratt, Starr, Tanner, Trammell, Turner, White (F), White (G) and Zoghby.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 224. To amend Section 36-17-16 of the Code of Alabama 1975 so as to further provide for the destruction of cancelled state warrants.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Boles, Box, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Fuller, Gaston, Gray, Grayson, Grouby, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 305. (With Amendments): To amend Section 36-17-3 of the Code of Alabama 1975, relating to the duties and functions of the state treasurer.

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Banking, said committee amendment being as follows:

Amend House Bill 305, page 1, Section 1, beginning on line 30 by striking lines 30 through 34 in their entirety and substituting in lieu thereof the following:

“(3) To pay all warrants duly executed by the comptroller, and to pay for funds electronically transferred by the comptroller in accordance with Section 41-4-50, Code of Alabama 1975, upon the determination that there is sufficient money for the payment thereof in the funds upon which they are drawn.

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Gaston, Grayson, Grouby, Harvey, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman,

Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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The question was then on the adoption of the amendment #2 reported by the Standing Committee on Banking, said committee amendment being as follows:

Amend House Bill 305, Section 1, page 3, line 15 by striking line 15 in its entirety and inserting in lieu thereof the following:

treasurer and an adequately bonded employees, all such bonds,

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Gaston, Gray, Grayson, Grouby, Harvey, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G) and Zoghby.

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AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 305 as amended:

Amend H. 305, Section 2, page 4, line 35, by striking line 35 in its entirety and substituting in lieu thereof the following:

upon its passage and approval by the Governor or upon its otherwise becoming a law.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Gaston, Gray, Grayson, Grouby, Hammett, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Reed, Richardson, Sasser, Smith, Spratt, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G) and Zoghby.

—72

And the bill, H. 305, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hammett, Harvey, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G) and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Rep. Hall:

H. R. 305. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 865.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, H. B. 865, a copy of which is attached to this resolution and made a part hereof by reference:

Does H. B. 865, which provides (1) for salaries and allowances of certain officers of Madison County, and (2) which provides for certain of said offices to be full-time, even though item (2) is not reflected in the title of the said H. B. 865, conflict with Section 45 of the 1901 Constitution which states in pertinent part: . . .

Each law shall contain but one subject, which shall be clearly expressed in its title. . . ?

BE IT RESOLVED FURTHER, That the Clerk of the House is hereby directed to send sufficient true copies of the pending bill, H. B. 865, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Rep. Hall, the rules were suspended and the resolution, H. R. 305, was adopted.

H. 140 TAKEN UP

And the bill:

H. 140. To amend Section 40-18-20, Code of Alabama 1975 so as to provide that the retirement income of military personnel shall be exempt from state, county, and municipal income taxes.

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Which was temporarily postponed on the sixteenth legislative day, was taken up.

MOTION TO POSTPONE

Rep. Coburn offered the motion to postpone consideration of the bill, H. 140, to the twenty-seventh legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Holley to table the motion to postpone offered by Rep. Coburn, was lost.

Yeas 39; Nays 49.

Yeas:

Reps.: Adams, Blakeney, Box, Brooks, Browder, Butler, Campbell, Carothers, Coleman, Cosby, Crow, Faulk, Fuller, Gaston, Gray, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, McKee, McMillan, Marietta, Mathis, Mikell, Nicholson, Onderdonk, Penry, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Starkey, Starr, Turner, Venable and White (L).

—39

Nays:

Mr. Speaker, Albright, Bachus, Beers, Black, Blake, Boles, Bowling, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark (J), Coburn, Davis, Escott, Flowers, Harper, Harvey, Holmes, Horn, Kennedy, Lauderdale, Lindsey, McDowell, McNair, Martin, Melton, Mitchell, Moore, Newman, Parker, Payne, Perdue, Pratt, Preuitt, Reed, Smith, Spratt, Tanner, Thomas, Trammell, Warren, White (F), White (G) and Zoghby.

—49

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Penry:

H. R. 306. COMMENDING THE NURSES OF THOMAS HOSPITAL IN FAIRHOPE, ALABAMA.

Also:

By Rep. McMillan:

H. R. 307. COMMENDING THE NURSES OF BAY MINETTE INFIRMARY.

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Grouby abstained from voting on the bill, H. 140, due to conflict of interest.

H. 140 RESUMED

H. 140 POSTPONED

The question was then on the motion offered by Rep. Coburn to post-

pone consideration of the bill, H. 140, to the twenty-seventh legislative day, and the motion was adopted.

Yeas 48; Nays 40.

Yeas:

Mr. Speaker, Albright, Bachus, Beers, Black, Blake, Boles, Bowling, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Clark (J), Coburn, Cosby, Davis, Escott, Flowers, Gaston, Harper, Holmes, Horn, Johnson (R.G.), Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, Martin, Melton, Mitchell, Moore, Newman, Parker, Pratt, Preuitt, Reed, Spratt, Thomas, Trammell, Warren, White (F), White (G) and Zoghby.

—48

Nays:

Reps.: Adams, Blakeney, Box, Brooks, Browder, Campbell, Carothers, Clark (W), Coleman, Crow, Faulk, Fuller, Gray, Hall, Harvey, Holley, Hooper, Johnson (Roy), Junkins, Laird, McKee, McMillan, Marietta, Mathis, Mikell, Nicholson, Onderdonk, Penry, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Turner, Venable and White (L).

—40

H. 26 TAKEN UP

And the bill:

H. 26. To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages, and to provide criminal penalties.

And pending substitute Offered by Rep. Smith which were temporarily postponed on the sixteenth legislative day, were taken up.

SUBSTITUTE OFFERED

Rep. Smith offered the following substitute to the bill, H. 26, and to the pending substitute:

A BILL TO BE ENTITLED AN ACT

To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages, to provide criminal penalties, and to provide that juvenile offenders shall be incarcerated, if so sentenced, in juvenile detention facilities, and to exempt persons 19 years of age or older on the effective date of this act and certain persons authorized to make purchases from certain military liquor or package stores, pursuant to Section 28-1-3, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding the provisions of Section 26-1-1, Code of Alabama 1975, it shall be unlawful for a person less than 21 years of age to attempt to purchase, to purchase, consume, possess or to transport any alcohol, liquor or malt or brewed beverages within the State of Alabama, except as provided by Section 28-1-3, Code of Alabama 1975, for certain eligible persons who are authorized to make limited purchases from military pack-

age or liquor stores. It shall not be unlawful for a minor employee, who is 19 years of age or older, of an alcoholic beverage control board off-premises or on-premises licensee to handle, transport or sell any alcoholic beverage only if such minor is acting within the line and scope of his employment while so acting.

Whoever violates this section shall be fined not less than \$25.00 nor more than \$100.00 or imprisoned in the county jail for not more than 30 days or both; provided further, that juvenile offenders shall not be imprisoned in the county jail, but shall be imprisoned, if so sentenced in a juvenile detention facility, separate and apart from adult offenders.

Persons 19 years of age or older on the effective date of this act are hereby expressly exempt from the provisions of this act.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective October 1, 1984.

MOTION TO POSTPONE TABLED

On motion of Rep. Smith, the motion offered by Rep. Buskey (James) to postpone further consideration of the bill, H. 26, and the pending substitutes to the twenty-seventh legislative day, was tabled.

Yeas 63; Nays 22.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney, Britnell, Brooks, Browder, Burke, Butler, Campbell, Carothers, Coleman, Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Mathis, Mikell, Moore, Newman, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—63

Nays:

Reps.: Bowling, Box, Bryant, Buskey (James), Buskey (John), Clark (J), Clark (W), Davis, Escott, Grayson, Harper, Holmes, Horn, McDowell, Melton, Mitchell, Nicholson, Perdue, Reed, Rogers, Spratt and Thomas.

—22

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Butler inadvertently voted "Yea" on the vote to postpone consideration of the bill, H. 140, to the twenty-seventh legislative day, and intended to vote "Nay".

H. 26 RESUMED

The question was then on the adoption of the substitute offered by Rep. Smith to the bill, H. 26, and the pending substitute.

SUBSTITUTE TO PENDING SUBSTITUTES

Rep. Biddle offered the following substitute to the bill, H. 26, and to the pending substitutes:

A BILL
TO BE ENTITLED
AN ACT

To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages; to raise the legal age for a person to attempt to purchase, to purchase, smoke, possess or to transport cigarettes; and to provide criminal penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding the provisions of Section 26-1-1, Code of Alabama 1975, it shall be unlawful for a person less than 21 years of age to attempt to purchase, to purchase, consume, possess or to transport any alcohol, liquor or malt or brewed beverages within the State of Alabama. It shall not be unlawful for a minor employee of an alcoholic beverage control board off-premises licensee to handle, transport or sell any malt or brewed beverage if such minor is acting within the line and scope of his employment while so acting.

Section 2. It shall be unlawful for a person less than 21 years of age to attempt to purchase, to purchase, smoke, possess or to transport any cigarettes.

Section 3. Whoever violates this act shall be fined not less than \$25.00 nor more than \$100.00 or imprisoned in the county jail for not more than 30 days or both.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO PENDING SUBSTITUTES TABLED

On motion of Rep. Smith, the substitute offered by Rep. Biddle to the bill, H. 26, and to the pending substitutes, was tabled.

Yeas 50; Nays 39.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Blake, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Clark (J), Coleman, Crow, Flowers, Fuller, Gaston, Gray, Grouby, Hammett, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, McKee, McMillan, Mikell, Newman, Payne, Penry, Poole, Pratt, Preuitt, Seibels, Smith, Starr, Tanner, Thomas, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—50

Nays:

Reps.: Albright, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Bugg, Buskey (James), Campbell, Clark (W), Davis, Escott, Grayson, Hall, Harper, Harvey, Holmes, Horn, Kennedy, Lindsey, McDowell, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Nicholson, Onderdonk, Parker, Perdue, Rains, Rice, Rogers, Spratt, Starkey and Trammell.

—39

The question was then on the adoption of the substitute offered by Rep. Smith to the bill, H. 26, and to the pending substitute.

MOTION TO TABLE LOST

The motion offered by Rep. Gray to table the substitute offered by Rep. Smith, was lost.

Yeas 18; Nays 62.

Yeas:

Reps.: Bowling, Bryant, Buskey (John), Clark (J), Davis, Escott, Gray, Grayson, Holmes, McDowell, Martin, Melton, Mitchell, Perdue, Reed, Rogers, Spratt and Thomas.

—18

Nays:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney, Boles, Britnell, Brooks, Browder, Burke, Butler, Carothers, Coleman, Cosby, Crow, Faulk, Flowers, Gaston, Grouby, Hall, Hammett, Harper, Harvey, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Mathis, Mikell, Newman, Nicholson, Onderdonk, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Smith, Starr, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—62

RESOLUTION

The following resolution was introduced:

By Rep. Penry:

H. R. 308. REQUESTING AN ADVISORY OPINION OF THE JUSTICES RELATIVE TO PENDING HOUSE BILL 860, WHICH PROVIDES FOR A REFERENDUM ON CONSOLIDATING OR UNIFYING THE TAX ASSESSOR AND TAX COLLECTOR OFFICES IN BALDWIN COUNTY.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions of the following important constitutional questions relative to pending House Bill 860, which bill provides for unifying and consolidating the offices of tax assessor and tax collector in Baldwin County and the referendum election pursuant to Amendment 412 to the Constitution, 1901. Said bill is properly before the legislature with notice and proof. Copies of said bill are attached hereto and made a part hereof by reference.

1. Under Sections 2 and 13 of pending H. B. 860, is the county governing body mandated to call and hold a special referendum on the question of consolidating and unifying the offices of tax collector and tax assessor in Baldwin County absent any other countywide election in Baldwin County prior to July 1, 1984?

(a) If the county governing body is not so mandated under the provisions of Sections 2 and 13 of said pending bill, would an amendment, to further clarify legislative intent that a special referendum election is man-

dated to be held prior to July 1, 1984, on said question, supra, if there is no countywide election in Baldwin County from the effective date of this act to July 1, 1984, to provide such special election in the event there is no election held prior to July 1, 1984, violate Section 61 to the Constitution of 1901?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send sufficient copies of the pending H. B. 860, with attachments, to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices forthwith upon adoption of this Resolution.

On motion of Rep. Penry, the rules were suspended and the resolution, H. R. 308, was adopted.

H. 26 RESUMED

The question was then on the adoption of the substitute offered by Rep. Smith to the bill, H. 26, and to the pending substitute.

MOTION TO POSTPONE

Rep. Buskey (James) offered the motion to postpone further consideration of the bill, H. 26, and the pending substitutes to the thirtieth legislative day.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:40 P.M. on April 26, 1984.

H. J. R. 284

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 303, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, May 1, 1984.

TWENTY-FOURTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, May 1, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Jim Misner, Pastor, Covenant Presbyterian Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey, (James), Buskey, (John), Butler, Campbell, Carothers, Carter, Clark, (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-third legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J, the reading at length of the Journal of the House for the twenty-third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-third legislative day was approved.

LEAVE OF ABSENCE

Leave of absence was granted for Rep. Seibels who will be in Washington, D. C. this entire week representing the Alabama House of Representatives at meetings of the President's Committee on Employment of the Handicapped.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Clark (J), Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. R. 285. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That we hereby request the Governor to appeal the decision of the Montgomery Circuit Court relating to the so called Budget Isolation Amendment to the Supreme Court of Alabama in order that the Supreme Court can render a final decision on this matter.

On motion of Rep. Clark (J), the resolution, H. R. 285, was adopted.

BILLS ON SECOND READING

Rep. Campbell, Chairman of the Standing Committee on Judiciary re-

ported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 895. To amend Section 11-46-23, Code of Alabama, 1975, relating to adjusting election ward lines, so as to provide for certain adjustments made to comply with the Voting Rights Act of 1965.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 428. To authorize fiduciaries to invest in and hold, in addition to any other investments authorized by law, interests in any common trust fund or collective investment fund maintained by any financial institution having trust powers or in securities of or other interests in any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, provided that the portfolio of such fund, company or trust is limited to the classes of trust investments allowed by law.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 538. To amend Chapter 17 of Title 27, Code of Alabama 1975, by adding a new section to modify the method of calculating reserves on burial insurance policies.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 888. (With Amendment): To amend Sections 11-54-170 and 11-54-171, Code of Alabama 1975, which authorize and make provisions for the incorporation in any Class 1, Class 2 or Class 3 municipality, of Commercial Development Authorities for the purpose of promoting trade and commerce, so as also to provide for the incorporation of such authorities in any Class 7 or Class 8 municipality.

Rep. Laird, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report and it was read a second time and placed on the Calendar, to-wit:

H. 581. To create the Office Machine Products Dealerships Act; to prescribe standards for the business relationship between suppliers and dealers of office machine products, and responsibilities and liabilities of the respective parties; to prohibit wrongful termination or cancellation of a dealership and renewal refusal under certain conditions; to prescribe the distributors right to terminate for cause and to provide reasonable compensation must be paid therefor; and to define terms and to make exceptions.

Rep. Horn, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 784. To authorize Class I municipalities to alter and change water courses and to construct and develop wharves and wharf facilities within a radius of twenty-five miles in order to maximize the ability of municipalities to promote the use of river and water transportation to take advantage of the shipping potential made possible by the Tombigbee Waterway, provided that no such facility can be constructed or developed within the police jurisdiction of another municipality without the consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds to finance such facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such facilities, and to contract for joint construction and operation thereof; to provide an effective date of the Act.

H. 781. To propose an amendment to Amendment No. 83 of the state constitution, which relates to the Jefferson County Judicial Commission so as to alter the manner of appointing the two members to said board who are not members of the state bar association.

The above bill was read a second time at length as required by the Constitution.

H. 675. To relate to the City of Birmingham in Jefferson County, Alabama; to amend Sections 3.01, 3.03, 3.12 and 4.01 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, so as to provide that both the Mayor and Council shall take office on the second Tuesday in November of the year of their election; and to further provide that the first meeting of each newly elected council shall be held on the second Tuesday in November of the year of its election.

H. 741. Relating to Jefferson County; providing further for the cost and charges in all district court cases and providing for the establishment of a Family Court Probation Fund in the county and the distribution of such funds.

H. 841. Relating to the City of Birmingham in Jefferson County; to further amend Section 3.07 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, pp. 1004, et seq.), as amended, also known as the Mayor-Council Act of 1955, so as to provide that the City Council may employ on behalf of said City such employees as said Council may deem necessary to assist the Council, and to provide conditions for inclusion in the general pension system of the municipality.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 721. (With Amendments): To reopen the Retirement Systems of Alabama in order to allow active and contributing members and former such members with vested retirement benefits to claim and purchase credit for military and public service and to provide for its termination.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 901. To make provision for the financing and acquisition, construction, equipment and improvement from time to time of docks facilities in the state and to finance such acquisition, construction, equipment and improvements by the issuance of revenue bonds of the Alabama State Docks Department when the Department, with the approval of the governor, shall determine that the issuance of such bonds is necessary for payment of the costs of acquiring, constructing, equipping and improving docks facilities operated or to be operated by the said Department; to authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time its revenue bonds in such aggregate principal amount as said Department, with the approval of the Governor, may deem advisable for such purposes; to provide that certain bonds issued by the Industrial Development Board of the City of Mobile, Alabama, certain bonds issued by the State, and bonds at any time issued by Alabama State Docks Department or any of them, and at the time outstanding, and the interest thereon may be refunded through the issuance by the Department of refunding bonds; to provide that proceeds of the bonds issued under this Act may be used to purchase property owned by the Industrial Development Board of the City of Mobile, Alabama, and leased to Alabama State Docks Department and to prepay said Department's lease obligations to said Board; to provide that the Department shall determine the manner, terms and conditions of the sale or sales of the bonds authorized to be issued under this Act, and to make provisions respecting such sale or sales and the application of the proceeds from the sale or sales thereof; to provide for the method of execution of said bonds and other details pertaining thereto; to provide that bonds issued under this Act shall not create an obligation or debt of the State and shall be limited obligations payable solely out of the revenues of the Department pledged in this Act; to provide that the bonds authorized to be issued under this Act and the income therefrom shall be exempt from taxation; to provide that said bonds may be used to secure deposits of funds of the State and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to provide for the use of the proceeds of said bonds; to provide for the defeasance of said bonds; to authorize the Department to continue to collect all charges and other fees presently imposed and collected by the Department; to pledge funds necessary to pay the principal of, premium, if any, and interest on said bonds; to authorize the Department to pledge for payment of the said principal of, premium, if any, and interest on said bonds the moneys pledged in this Act for that purpose; to preserve outstanding appropriations, pledges and covenants made by the State or the Department; to authorize the Department to covenant to maintain its charges and other fees; to authorize the establishment of a special debt service account to be held by the State Treasurer and used to pay debt service on bonds to be issued under this Act out of moneys paid into such account by the Department; to permit reserve funds for the benefit of outstanding bonds to be used by the Department to provide additions to docks facilities; to provide that if any portion of this Act is held invalid such holding shall not affect the validity of any other portion hereof; and to specify the effective date of this Act.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with

amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 902. (With Amendment): To propose an amendment to the Constitution of Alabama of 1901 providing that certain securities issued by or on behalf of the Alabama State Docks Department shall not constitute debts of the State within the meaning of any state constitutional provision.

The above bill was read a second time at length as required by the Constitution.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 760. Relating to hospital indigent care; levying a hospital bed tax to provide for hospital indigent care; providing for the collection of such tax; and establishing and providing for the Hospital Indigent Care Fund Commission.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 866. To amend Section 1 of Act No. 83-714, H. 916, of the 1983 Regular Session of the Legislature (Acts 1983, p. 1160), relating to licensing of retailers of alcoholic beverages in Shelby County, Alabama, so as to provide further for such licensing.

H. 897. To authorize and make provision for the incorporation in the City of Ozark of the Ozark Downtown Redevelopment Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Ozark; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are

payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority of the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority; to require compliance with the competitive bid law with respect to any projects receiving public funds; and to require a public hearing prior to the expenditure of any public funds.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with

amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 899. (With Amendment): To alter, rearrange and extend the boundary lines and corporate limits of the City of Centre in Cherokee County, Alabama.

RESOLUTION

The following resolution was introduced:

By Rep. Turner:

H. J. R. 309. COMMENDING COMMISSION PRESIDENT DAN WILEY.

WHEREAS, Dan Wiley has served as President of the Mobile County Commission for eight years and during that time has many significant accomplishments to his credit; and

WHEREAS, Dan Wiley was instrumental in Mobile County implementing the "Pay-As-You-Go" Road Program which enabled Mobile County to pave many additional miles of road, which it otherwise would have been unable to do, and decrease its long term bonded indebtedness while producing a surplus each year; thus insuring the future financial integrity of Mobile County; and

WHEREAS, Under Dan Wiley's leadership, Mobile County has consistently operated on a balanced budget expanding existing services and providing additional ones at no extra cost to the taxpayers; and

WHEREAS, Dan Wiley was instrumental in expanding the Mobile County Courthouse and completing said project ahead of schedule and under cost projections; and

WHEREAS, Dan Wiley has worked diligently in behalf of Mobile County employees, always willing to give more when possible and explaining why when it was necessary; and

WHEREAS, Dan Wiley has put government on a sound financial basis, made it more responsive to the desires and the needs of the people and has done all of this without mortgaging the future of the citizens of Mobile County, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and honor Dan Wiley for his leadership, numerous accomplishments and dedication to his community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dan Wiley to show our appreciation.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 309, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. White (G) (With Notice and Proof):

H. 906. Relating to the Jefferson County Legislative Delegation; establishing a county legislative delegation expense fund to be funded by Sec-

tion II(b) of Act No. 639, H. 1646, Regular Session 1973 (Acts 1973, p. 946), said act entitled "Relating to counties having a population of 500,000 or more according to the last or any subsequent federal decennial census; to provide that in addition to all presently existing pistol permit fees there is hereby levied an additional pistol permit fee in the amount of Two Dollars and Fifty Cents (\$2.50); to provide that Two Dollars of the said additional fee be paid into the County Treasury for the establishment and maintenance of a fund which is hereby designated and entitled as the 'Sheriff's Fund'; to provide for the use of said Sheriff's Fund; to provide that Fifty Cents (\$.50) of the said additional fee be paid into the County Treasury for the establishment and maintenance of the fund which is hereby designated and identified as a 'Legislative Fund'; to provide for the use of said Legislative Fund; to provide that the provisions of this Act shall be severable; and to repeal all laws and parts of laws in conflict with this Act"; to abolish the present operation of the Jefferson County Delegation Office, so as to provide for a monthly allocation of the county legislative delegation expense fund on an equal basis to each legislative member of the delegation and to provide an accounting thereof.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 906, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Ford (With Notice and Proof):

H. 907. Relating to the board of education of the City of Gadsden in Etowah County; to provide for an additional expense allowance for members of said board, payable from the Gadsden general fund.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 907, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Campbell, Crow, and Browder (With Notice and Proof):

H. 908. To provide for an expense allowance for the Sheriff of Calhoun County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 908, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Clark (J) (With Notice and Proof):

H. 909. Relating to the 3rd Judicial Circuit of Alabama; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to

have an arraignment at which he is present in person or represented by an attorney.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 909, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Junkins (With Notice and Proof):

H. 910. Relative to reemployment by the City of Gadsden of retirees under the Policemen's and Firemen's Retirement Fund of the City of Gadsden; to amend Section 12 of Act No. 80-442, S. 564, of the 1980 Regular Session (Acts 1980, p. 674) to permit the same.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 910, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Holley (With Notice and Proof):

H. 911. Relating to Coffee County; providing for a supplement to the compensation of the circuit clerk in Coffee County beginning October 1, 1985, and payable from the general fund of the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 911, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Junkins (With Notice and Proof):

H. 912. Relative to the persons covered by the Civil Service System for the City of Gadsden, to include sworn personnel of the police and fire departments and to exclude all others; to amend Sections 1, 2, and 3 of Act No. 671, H. 921, (Acts of Alabama 1951, p. 1158) as amended.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 912, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Harper (With Notice and Proof):

H. 913. Relating to the Mobile County Solid Waste Management Program and the residence, appointment and number of the Solid Waste Management Advisory Board; amending Section III of Act No. 81-450, H. 825, of

the 1981 Regular Session (Acts 1981, p. 773) therefor; making the provisions retroactive to any term effective after March 1, 1984.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 913, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Marietta (With Notice and Proof):

H. 914. Relating to Mobile County; establishing the Mobile County Highway and Traffic Safety Advisory Board and describing its composition, authority and duties; establishing the Mobile County Department of Highway and Traffic Safety and describing its authority, personnel and duties; and providing for use by said advisory board of a portion of certain monies distributed for law enforcement purposes under the provisions of Act No. 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880 et seq.), as amended, providing for a County Racing Commission in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 914, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Thomas (With Notice and Proof):

H. 915. Proposing an amendment to the Constitution of 1901, relating to additional ad valorem tax in Wilcox County.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 915, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 916. Relating to Mobile County; providing further for the use of a certain portion of monies accruing to Mobile County pursuant to Act No. 84-186, H. 182, 1984 Regular Session, (Acts 1984, p. —), relating to license taxes and registration fees on trucks and truck tractors.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

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TACHED TO THE BILL, H. B. 916, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Carothers and Mathis (With Notice and Proof):

H. 917. Relating to Houston County; providing further for the compensation of poll workers.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 917, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Carothers and Mathis (With Notice and Proof):

H. 918. Relating to the City of Dothan in Houston County; amending Act No. 79-537, H. 927, 1979 Regular Session, which prescribes the form of government for the City of Dothan, so as to provide further for the elections, salaries, payment of vouchers, designation of Acting Mayor, and deletes the bond recording fee.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 918, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Carothers and Mathis (With Notice and Proof):

H. 919. Relating to Houston County; amending Act No. 718, H. 1513, 1971 Regular Session, which provides for the compensation of the board of equalization, so as to provide further for said compensation.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 919, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turnham:

H. 920. To provide certain tax relief from personal income taxes and corporate taxes, and to encourage the utilization of solar energy; to provide for definitions; to include certain agricultural activities within the definitions; to prescribe that the allowable credit is for new property to the taxpayer situated in Alabama; to establish certain criteria for tax relief; to provide for the exemption, under certain circumstances of sales and use taxes, and utilities gross receipt taxes for energy and certain parts and goods utilized therefor; to prescribe certain warranty requirements; to prescribe certain powers and duties for the department of revenue; to provide that the

tax relief herein prescribed is additional to any and all provisions of law; and to make certain provisions retroactive.

Committee on Ways and Means.

By Reps. Kvalheim, Marietta, and Gaston (With Notice and Proof):

H. 921. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government, a council-manager form of government, or the mandated district-commission form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain provisions of this Act.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 921, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Smith (With Notice and Proof):

H. 922. Relating to Chilton County; authorizing the county commission to enter contracts for computerized recordkeeping and filing.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 922, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Clark (J):

H. 923. To amend Section 12-13-20, Code of Alabama, 1975, as amended, which relates to salaried probate judges' minimum compensation so as to further provide for such compensation.

Committee on Ways and Means.

By Reps. Hooper, Gaston, Mikell, Harper, Butler, Starr, Brooks, McKee, White (G), Bachus, Kvalheim, Blakeney, Turnham, Rice, McMillan, Payne, Beers, Mitchell, Fuller, Coleman, Hettinger, and Gray:

H. 924. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the reidentification of certain registered voters; providing for the appointment of deputy registrars to aid in the reidentification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for violations in connection with reidentification.

Committee on Constitution and Elections.

By Rep. Grouby (With Notice and Proof):

H. 925. Relating to Autauga County; granting discretionary authority to each member of the county commission to assume certain additional du-

ties heretofore performed by a district county commission foreman and prescribing the annual salaries of the members of the county commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 925, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Thomas (With Notice and Proof):

H. 926. Relating to Wilcox County; to provide reasonable compensation for the Wilcox County School Board Members.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 926, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Laird and Fuller (With Notice and Proof):

H. 927. Relating to Chambers County; amending Act No. 80-418, H. 979, 1980 Regular Session, which provides for license fees on mobile homes, so as to provide further for the distribution of said fees.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 927, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Britnell, Lauderdale, and Newman (With Notice and Proof):

H. 928. Relating to Marion County; prescribing that the offices of the chairman and associate members of the county governing body shall be full time and receive the salary compensation as such full time commissioners as now provided by local law.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 928, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Reed (With Notice and Proof):

H. 929. Relating to Bullock County; providing for the compensation of the Judge of Probate retroactively to January 1, 1983.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 929, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Reed (With Notice and Proof):

H. 930. Relating to Bullock County; to provide for a parttime secretary-office manager for the county legislative delegation; to provide office space for said official.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 930, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Reed:

H. 931. To propose an amendment to the Constitution of Alabama of 1901, to extricate the judge of probate in Macon County, Alabama, from a certain age restriction on eligibility to hold such office.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Reed (With Notice and Proof):

H. 932. Relating to Bullock County; to legalize the sale of draft or keg beer or malt beverages.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 932, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. McDowell:

H. 933. To amend Section 24-1-24, Code of Alabama 1975, relating to the municipal housing authorities so as to provide further that at least one commissioner shall be a tenant of the municipal housing authority.

Committee on Local Government.

By Reps. Sasser and Flowers (With Notice and Proof):

H. 934. Relating to Dale County; redistricting the county for purposes of electing members of the county commission and providing for the election of county commissioners on such district basis.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 934, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. McMillan and Penry (With Notice and Proof):

H. 935. To amend Section 8 of Act No. 83-532, H. 609, Regular Session 1983 (Acts 1983, p. 827), which act levies an additional sales tax in Baldwin County, so as to provide further for the distribution of a certain portion of the proceeds of said tax so as to provide for the leasing or building and operation of a home for juveniles through the juvenile court of Baldwin County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 935, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. McMillan and Penry (With Notice and Proof):

H. 936. Relating to Baldwin County; amending Act No. 81-99, S. 31, 1981 Regular Session, which provides for the compensation of the members of the board of registrars, so as to increase said compensation.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 936, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. McMillan and Penry (With Notice and Proof):

H. 937. Relating to Baldwin County; granting to the county commission certain power and authority relative to public improvements in certain areas lying outside the corporate limits of any municipality in such county; providing for the assessment against the property benefited thereby of the cost and expenses of materials used in the performance of services relative to such public improvements if said improvements are approved by $\frac{2}{3}$ of property owners affected; authorizing, providing for and regulating hearings relative to such assessments and appeals therefrom; providing for the collection of such assessments by the Baldwin County tax collector; investing the Baldwin County Commission with the same powers and authority relative to the collection of improvement assessments and liens therefor had by municipalities relative to municipal improvement assessments; providing that this act is cumulative to other laws relative to the authority, powers and duties of the Baldwin County Commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 937, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Harvey:

H. 938. To authorize and provide for the promotion of the production, marketing, use and sale of catfish and catfish products by research, education, advertising and other methods; to prescribe a method whereby catfish producers may act jointly with handlers, buyers, dealers, processors, manufacturers and distributors of catfish feed, the state board of agriculture and industries, and others, for a promotional program; to provide that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments; to provide for the regulations, requirements and authority relative thereto; to provide for refund of assessments; to prescribe duties of the commissioner of agriculture and industries and the state board of agriculture and industries with respect to a promotional program for the catfish producers of Alabama; to provide for the administration thereof by a commission, council, board or other agency or a nonprofit association which is fairly and substantially representative of the producers of catfish throughout the state; to provide for collection and distribution of assessments by dealers, handlers, buyers, manufacturers and distributors of catfish feed; to require an annual permit of such dealers, handlers, buyers, manufacturers and distributors of catfish feed; and to prescribe other administrative, enforcement, promotional and penalty provisions.

Committee on Natural Resources.

By Rep. Harvey:

H. 939. To propose an amendment to the Constitution of Alabama of 1901, relating to the promotion of production, distribution, improvement, marketing, use and sale of catfish and catfish products; and to provide for assessment and fees to pay for the cost thereof.

Committee on Natural Resources.

The above bill was read a first time at length as required by the Constitution.

By Rep. Coleman (With Notice and Proof):

H. 940. Relating to Marshall County; to further regulate the appropriation and distribution of Tennessee Valley Authority funds paid in-lieu-of-taxes; making certain provisions retroactive to April 1, 1984; and specifically providing that the provisions of this act shall be cumulative.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 940, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Bowling and Drake (With Notice and Proof):

H. 941. To provide for the filing for record and the preservation of all

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orders and decrees made and entered by any Judge of the Circuit Court of the 32nd Judicial Circuit.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 941, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Bowling and Drake (With Notice and Proof):

H. 942. Relating to the City of Cullman in Cullman County; to validate, in certain cases, annexations heretofore held by the City of Cullman.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 942, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Lindsey (With Notice and Proof):

H. 943. Relating to Cleburne County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; and to transfer certain duties now performed by the tax assessor and tax collector to said probate office.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 943, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Hettinger (With Notice and Proof):

H. 944. Relating to Madison County; amending Act No. 79-784, H. 906 of the 1979 Regular Session (Acts 1979, p. 1412), which provides the procedure for filling judicial vacancies in the county, so as to provide further for said procedure and to provide for its retroactive date.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 944, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Hooper, Mikell, Rice, McKee, White (G), Bachus, Payne, Beers, Gray, Brooks, Fuller, Gaston, Kvalheim, Harper, Butler, Penry, Mathis, Flowers, McMillan, Warren, Clark (D), Preuitt, Johnson (R.G.), Marietta, Blakeney, Onderdonk, Faulk, Dutton, Smith, Lauderdale, Burke, Trammell, White (L), Lindsey, Crow, Martin, Grouby, Box, Richardson, McNair, Rogers, Melton, Tanner, Browder, Coleman, Hettinger, Buskey (James), Buskey (John), Bryant, Escott, Horn, Spratt, and Perdue:

H. 945. To require persons who have any financial interest in any hazardous waste disposal site in the state of Alabama to file an annual statement of such financial interest with the Secretary of State and to provide penalties for the noncompliance with this act.

Committee on State Administration.

By Rep. Campbell (With Notice and Proof):

H. 946. To amend Article III of Act 404, S. 430, Regular Session 1953 (Acts of Alabama 1953, p. 472), as amended, so as to further provide for the election of the Council of the City of Anniston.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 946, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Moore:

H. 947. To amend Sections 40-17-38 and 40-17-221, Code of Alabama 1975, which provide for discounts on motor fuel taxes allowed to distributors, so as to provide further for said discounts.

Committee on Ways and Means.

By Rep. Sasser (With Notice and Proof):

H. 948. Relating to the fees and expense allowances for the Coroner of Henry County, Alabama, payable from the county treasury; and making such fees and expense allowances retroactive to October 1, 1983.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 948, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Tanner (With Notice and Proof):

H. 949. Relating to Shelby County; to require the installation and maintenance of an improved system of recording and indexing documents affecting the title to property and other documents recorded in the office of

the Judge of Probate; to provide the collection and disposition of a special index fee; and to provide that said system shall constitute official and permanent records in Shelby County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 949, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Browder (With Notice and Proof):

H. 950. To provide for the City of Weaver in Calhoun County, a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city's defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 950, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Boles:

H. 951. To propose an amendment to the Constitution of Alabama to amend Amendment No. 373 which further amends Amendment of Section 217 of the Constitution of Alabama of 1901, so as to provide for an additional classification of taxable property for purposes of ad valorem taxation for all real property in this state consisting of a total of 1,000 acres or more in one or more plots owned by any person or corporation that is not used for agricultural, farming, or residential purposes, and to provide for the assessment of all property in the new classification.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Bryant:

H. 952. To permit agricultural aircraft to take off and land on lightly traveled local highways with the permission of the state highway department director provided that the average daily traffic count on the road is less than 200.

Committee on Highway Safety.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turner, the rules were suspended in order to take up out of order the bill, H. 626.

And the bill:

H. 626. To amend Code of Alabama 1975, Section 40-20-2, so as to provide for an exemption for certain uses of natural gas from the Privilege Tax on Production.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Reps.: Beers, Blake, Blakeney, Box, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Cosby, Ford, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Holley, Horn, Johnson (R.G.), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Lauderdale, McDowell, McKee, McMillan, Marietta, Martin, Melton, Mitchell, Nicholson, Onderdonk, Parker, Penry, Rains, Reed, Rice, Richardson, Starkey, Starr, Turner, Warren, White (G), White (L) and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turner, the rules were suspended in order to take up out of order the bill, H. 627.

And the bill:

H. 627. To amend Code of Alabama 1975, Section 9-17-25, so as to provide for an exemption for certain uses of natural gas from the Conservation and Production Tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Blakeney, Box, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Cosby, Davis, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Turner, White (G), White (L) and Zoghby.

—58

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turner, the rules were suspended in order to take up out of order the bill, H. 656.

And the bill:

H. 656. To amend Section 40-20-8 (c), Code of Alabama, 1975, as last amended, relating to the allocation and distribution of taxes from oil and gas production, so as to provide further for the distribution of taxes collected within the jurisdiction of municipalities.

Was taken up.

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 656:

Amend H. B. 656, Page 3, Section 2, Line 33 as follows:

Section 2. This Act shall become effective immediately upon on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blakeney, Box, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Ford, Fuller, Gaston, Goodwin, Grayson, Hall, Harper, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Nicholson, Onderdonk, Parker, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, White (L) and Zoghby.

—61

And the bill, H. 656, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Reps.: Adams, Beers, Blakeney, Box, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Cosby, Davis, Escott, Ford, Fuller, Gaston, Goodwin, Grayson, Hall, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, White (F), White (G), White (L) and Zoghby.

—68

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Moore, the rules were suspended in order to take up out of order the bill, H. 298.

And the bill:

H. 298. To exempt the Alabama 4-H Club Foundation, Inc., from all state, county and municipal sales and use taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Boles, Box, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Cosby, Escott, Faulk, Fuller, Gaston, Goodwin, Hall, Hammett, Harper, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Poole, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Warren, White (F), White (L) and Zoghby.

—61

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Laird, the rules were suspended in order to take up out of order the bill, H. 409.

And the bill:

H. 409. To provide for the establishment of the Special Services Division of the District Attorney's Office of each Judicial Circuit and further establish a unit for the expedient treatment of worthless checks.

Was taken up.

SUBSTITUTE OFFERED

Rep. Laird offered the following substitute to the bill, H. 409:

A BILL TO BE ENTITLED AN ACT

To provide for the establishment of the Special Services Division of the District Attorney's Office of each Judicial Circuit and further establish a unit for the expedient treatment of worthless checks.

Be It Enacted by the Legislature of Alabama:

Section 1. Each District Attorney is hereby authorized and empowered to establish in his discretion, a Special Services Division of his office which shall be under his direction and control and shall be organized for the following uses and purposes:

A. A section of the Special Services Division of each such District Attorney's Office may be organized as a Worthless Check Unit. Each District Attorney who elects to establish said Unit shall assign sufficient staff and resources to effectively operate said unit. The Worthless Check Unit of the Special Services Division of the District Attorney's Office shall be created for the purpose of processing of worthless checks.

B. Procedures:

1. Complaint referrals: After following the requisites of Section 13A-9-13.1, any party holding a worthless negotiable instrument may present a "complaint" to the Worthless Check Unit of the Special Services Division of the District Attorney's Office. Upon receipt of such complaint, said complaint shall be evaluated by the Worthless Check Unit, under the direction of the District Attorney to determine whether or not said complaint is appropriate to be processed by the Worthless Check Unit.

(a) Guidelines to be used in the determination of whether a complaint

has been appropriately filed may include but are not limited to the following:

- (1) The amount of the check as recited in the complaint;
- (2) Whether the defendant has a prior criminal record of violations involving issuing worthless checks;
- (3) The number of checks previously received by the District Attorney on this particular defendant;
- (4) Whether the defendant has any worthless check charges pending; and
- (5) The strength of the evidence of intent to defraud the victim.

(b) Complaint withdrawals: If after filing a "complaint" with the Worthless Check Unit the victim wishes to withdraw the complaint for good cause, the victim shall satisfy the service charge of \$30.00 to the Worthless Check Unit for processing said complaint.

2. Notice: After approval of the complaint, a warrant may be issued by an appropriate warrant magistrate, and the warrant may be held by the Worthless Check Unit. After issuance of a warrant or upon approval of a complaint by the Worthless Check Unit, the Unit shall notify the individual charged with violating § 13A-9-13.1 of the Code of Alabama by issuing a notice to such individual that a warrant has been issued for his arrest or that a complaint has been received by the Worthless Check Unit. Said notice may be sent by mail. Such notice shall inform said accused that he may be eligible for deferred prosecution for violation of § 13A-9-13.1 by voluntarily surrendering himself to the Worthless Check Unit within 10 business days from the date of the notice.

3. Voluntary Surrender: Upon voluntary surrender, the accused may be presented with the warrant or complaint and prosecution of same may be deferred upon payment of restitution and the service charge for processing the check, to the Worthless Check Unit. Upon election by the Worthless Check Unit, the accused may sign a restitution agreement which shall contain the terms by which the restitution and the service charge may be paid.

4. Non-surrender: If, after receiving said notice, the accused shall not voluntarily surrender himself to the Worthless Check Unit with the ten (10) business days prescribed in said notice, said violation shall be prosecuted in accordance with applicable laws and procedures.

5. Fees and restitution:

(a) Definitions:

(1) Fees: The Worthless Check Unit of the Special Services Division of the District Attorney's Office may charge a service charge in the stated amount in the following circumstances.

(A) In those cases where the accused has been notified by mail that a warrant has been issued and same may be criminally prosecuted unless he voluntarily surrenders himself to the Worthless Check Unit within ten (10) business days from the date of said notice, and if such an accused voluntarily surrenders himself pursuant to said notice within the aforesaid ten (10) business days, the Worthless Check Unit may collect the sum of \$40.00 from the accused as a service charge for processing said check. This service charge shall be increased in the same dollar amount as the court cost

charged by the District Court of said judicial circuit for violations of § 13A-9-13.1 when said court cost shall be increased.

(B) In those cases when the accused does not appear within ten (10) business days from the date of the notice issued to the accused, or if no restitution agreement is made, or if the accused does not comply with the restitution agreement the case may be prosecuted in accordance with applicable laws and procedures. Upon appearance of said accused in the District or Circuit Court of said judicial circuit or the equivalent thereof and upon a finding of guilt or a plea of guilty, the Court shall order the accused to satisfy an addition service charge equal to 85% of the court cost levied by the Court for said offense. This amount shall not be in lieu of, but shall be in addition to, court costs assessed by the District or Circuit Court for said violation. Further, said service charge is to be disbursed pursuant to this act and shall not decrease any amounts allotted to any county or state agency from the court costs collected by the District or Circuit Court.

(2) Restitution: Restitution shall be defined as the face amount of any negotiable instrument (in the event of the issuance of a forged or altered instrument, restitution shall be in the amount to which the instrument was changed or altered), plus any amounts the victim may have been required to pay to a bank as a result of having attempted to process the worthless instrument.

(A) Upon filing a complaint with the Worthless Check Unit, the victim waives the right to collect restitution directly from the defendant.

(B) Restitution agreements: After an accused has been sent notification by mail of the warrant issued for his arrest and upon voluntarily surrendering himself to the Worthless Check Unit, the Worthless Check Unit may enter into a restitution agreement with the accused as to the terms by which the accused shall satisfy restitution and fees to the Worthless Check Unit. The terms of said restitution agreements shall be determined on a case by case basis by the Worthless Check Unit, but the duration of any said agreement shall be no longer than a period of six (6) months. No interest may be charged or collected on either restitution or fees charged. Said restitution agreement shall be signed by the accused and must be ratified by the Worthless Check Unit before it is effective. If the accused does not honor each term of the restitution agreement signed by him, the District Attorney's Office may proceed with the prosecution of the accused as provided by law.

(b) Collection and distribution:

(1) Restitution: Restitution shall be collected by the Worthless Check Unit and deposited into an account maintained solely for such purpose. The Worthless Check Unit shall, after a reasonable time for accounting and bookkeeping purposes, disburse to the victim all restitution collected with regard to the original complaint filed.

(2) If the victim cannot be located after a reasonable time and upon diligent efforts to locate same, the restitution due said victim shall be deposited into the Worthless Check Fund as herein provided.

(3) Fees: All fees or charges, other than court costs, collected by the Worthless Check Unit in accordance with this act shall be paid to the County Treasurer of said county in a fund to be known as the Worthless Check Fund.

Ninety-five (95) percent of funds collected pursuant to Section

1(B)5(a)(1)(A) of this Act shall be used and expended by the District Attorney to defray the reasonable expenses incurred by the Office of the District Attorney. The District Attorney is hereby authorized to requisition and expend these funds for those purposes. The treasurer of the county shall make disbursements of said funds upon requisition of the District Attorney. Provided further this paragraph shall not reduce the amount payable to the District Attorney under any local act, specifically Act 83-483. Five (5) percent of said funds shall be used by the county for the reasonable expenses incurred in the administration of said funds.

All of the funds collected pursuant to Section 1(B)5(a)(1)(B) and 1(B)5(a)(2) shall be deposited in the general fund of the county and shall be expended only for the reasonable and necessary expenses of law enforcement.

Section 2. This Act shall in no way prohibit or preclude the office of the District Attorney from proceeding with the prosecution of any violation of § 13A-9-13.1 as provided by applicable law and procedures heretofore enacted.

Section 3. If any provision of this Act shall be declared to be unconstitutional, the remaining provisions shall remain in full force and effect and shall not be declared void unless particularly declared unconstitutional.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 52; Nays 2.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Blakeney, Box, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Campbell, Clark (D), Clark (J), Cosby, Crow, Fuller, Gaston, Goodwin, Hall, Hammett, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Mathis, Mikell, Moore, Newman, Parker, Rice, Richardson, Seibels, Starkey, Starr, Tanner, Thomas, Trammell, White (F), White (G), White (L) and Zoghby.

—52

Nays: Reps.: McDowell and Perdue.

—2

And the bill, H. 409, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 3.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Fuller, Gaston, Goodwin, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Parker, Payne, Rains,

Rice, Richardson, Seibels, Starkey, Starr, Tanner, Thomas, Trammell, Warren, White, (F), White (G), White (L) and Zoghby.

—60

Nays: Reps.: McDowell, Melton and Nicholson.

—3

RESOLUTIONS

The following resolution was introduced:

By Rep. Payne:

H. J. R. 310. COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL WRESTLING TEAM AND COACH MARK LASSETER.

WHEREAS, the Hewitt-Trussville Junior High School Wrestling team finished the season with an outstanding dual meet record of 11-0; the team also finished third in the Homewood Tournament, first in the Mountain Brook Tournament, second in the Erwin Tournament, and finished for the second year in a row first in the Jefferson County Tournament to become the 1984 county champions; and

WHEREAS, individually, Jeff Calma at the 87 pound weight class claimed first place and was county champ with an overall record of 17-3-1 as a seventh grader; he also was chosen as the most outstanding wrestler at the Mountain Brook and Jefferson County tournaments; and

WHEREAS, Michael Smitherman at the 157 pound weight claimed first place in the county tournament and was county champ with an overall record of 16-4; his "last second" win put Hewitt-Trussville in first place in the tournament over Bottenfield, 208 to 204, thus giving his team the championship; and

WHEREAS, other members to place in their weight classes in the county tournament were: Steven Blalock, 2nd; Davey Needham, 5th; Bass Riggins, 4th; David Freeman, 6th; John Killion, 6th; Greg Sellers, 3rd; Pat Whisenant, 3rd; Ken Needham, 4th; Scott Mordica, 2nd; and Jimmie Blalock, 3rd; and

WHEREAS, rounding out Coach Lasseter's Hewitt-Trussville county championship team are: Paul Price, Jeff Strickland, Chuck Wigley, Pat Wood, Paul Brooks, Bart Washburn, Chuck Davis, Allen Higgins, Brian Hardy, Edwin Hocutt, Michael Vaughn, Patrick Ledbetter, Jimmy Laborde, Marty Godsey, Corey Castleberry, Cliff Acton, Jason Thompson, Lee Edmonds, Terry Edmonds, Joe Garner, John Garner, William Lloyd, Pat Smith, Tim Wildes, Chris Nicastro, Raymond Jordan, Wes Baker, Shannon Adkins, Chris Roberts and Tommy Howard; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Mark D. Lasseter and his county championship Hewitt-Trussville Junior High School Wrestling Team for outstanding achievement.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Coach Lasseter and his team, with a copy also sent to Dr. Vacca, principal, for appropriate school display.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 310, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Butler:

H. R. 311. COMMENDING MR. WOODROW BALCH, PROMINENT MADISON COUNTY CIVIC AND COMMUNITY LEADER.

Also:

The following resolutions were introduced:

By Reps. McKee and Holmes:

H. J. R. 312. COMMENDING MR. JOHN W. HUNT WITH THE ALABAMA DEPARTMENT OF PENSION AND SECURITY'S BUREAU OF FOOD ASSISTANCE.

WHEREAS, Mr. John W. Hunt, director of the Alabama Department of Pensions and Security's Bureau of Food Assistance, was recently recognized by the U. S. Department of Agriculture for excellence in the management of Alabama's Food Stamp Program; and

WHEREAS, Mr. Hunt was cited by the U.S.D.A.'s Food and Nutrition Service for his laudable achievements in managing Alabama's Food Stamp Program, one of the best in the nation; and

WHEREAS, the Department of Pensions and Security staff, under Mr. Hunt's supervision and leadership, has attained the lowest rate of errors in making food stamp eligibility determinations of any state staff in the Southeast, qualifying Alabama for additional federal funds; Alabama further had the third lowest food stamp error rate in the country during the award period; and

WHEREAS, joining the Department of Pensions and Security staff in 1963 as assistant state supervisor of the commodity distribution division, Mr. Hunt was named director of the Bureau of Food Assistance in 1973 and was instrumental in expanding the Food Stamp Program to every county in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. John W. Hunt for outstanding achievement as director of our state's Department of Pensions and Security's Bureau of Food Assistance; we further sincerely praise Mr. Hunt as an extraordinarily dedicated state employee and direct that he receive a copy of this resolution in expression of highest regard.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 312, was adopted.

Also:

By Rep. Mikell:

H. J. R. 313. COMMENDING SCOTT F. GRANGER OF COOSADA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize outstanding achievement by Alabama's young citizens, the Legislature today notes the many notable accomplishments of Scott F. Granger of Coosada, Alabama; and

WHEREAS, Scott, a seventeen-year old senior honor student at Stanhope Elmore High School, is the Captain of the Scholars' Bowl Team, President of the Beta Club, member of the Youth Legislature, Varsity Football, Varsity Baseball, Who's Who in American Students, and a member of the Fellowship of Christian Athletes; and

WHEREAS, he was selected "Best Representative" at Boys State in 1983, West Elmore Exchange Club and Elmore County Exchange Club "Youth of the Month"; and

WHEREAS, Scott has received scholarship offers from the University of Alabama, Huntingdon College, Air Force ROTC, and Marine ROTC; and

WHEREAS, he has received offers of appointment to the Coast Guard Academy and the U. S. Naval Academy; and

WHEREAS, Scott enters the U. S. Naval Academy July 6, 1984; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Scott F. Granger of Stanhope Elmore High School, and further extend our sincere congratulations on his appointment to the U.S. Naval Academy.

BE IT FURTHER RESOLVED, That Scott receive a copy of this resolution that he and his parents, Mr. and Mrs. Rex A. Granger, and other family may know of our sincere praise and warm best wishes for Scott's every future success in life.

On motion of Rep. Mikell, the rules were suspended, and the resolution, H. J. R. 313, was adopted.
Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Ford:

H. R. 314. COMMENDING CONFEDERATE BELLES BASKETBALL TEAM AND DR. LARRY LEWISKI OF GADSDEN STATE JUNIOR COLLEGE.

Also:

The following resolutions were introduced:

By Reps. Coleman, Cosby, Newman, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey,

Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. R. 315. URGING THE STATE BOARD OF EDUCATION TO REQUEST THE VARIOUS SCHOOL BOARDS THROUGHOUT ALABAMA TO INCLUDE IN PROCEDURAL POLICIES FOR THEIR SCHOOLS THE RECITATION OF THE PLEDGE OF ALLEGIENCE IN EACH CLASSROOM.

WHEREAS, it has come to the attention of the Alabama House of Representatives that there is no set procedure or standardized policy regarding recitation of the Pledge of Allegiance in the public schools of our State; and

WHEREAS, as a result of such lack of uniformity there are many schools in Alabama in which the Pledge of Allegiance is omitted from daily classroom proceedings; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby urge the State board of Education to request the various school boards throughout Alabama to include in procedural policies for their schools the recitation of the Pledge of Allegiance in each classroom.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to advise the State Board of Education by copy of this resolution of this request of the Alabama House of Representatives.

On motion of Rep. Coleman, the rules were suspended and the resolution, H. R. 315, was adopted.

Also:

By Reps. Carothers, Mathis, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 316. NAMING ALABAMA HIGHWAY 95, FROM ABBEVILLE TO GORDON, ALABAMA, THE "GEORGE H. GRIMSLEY HIGHWAY."

WHEREAS, the late George H. Grimsley of Haleburg, Henry County, Alabama, was a prominent Alabamian whose death on April 22, 1984, was a source of sadness and deep grief for all those whose lives were made better for his having lived; and

WHEREAS, Mr. Grimsley was a distinguished United States Army veteran of World War II, former educator, a farmer and cattleman, and was serving his sixth year in the Alabama Legislature at the time of his death; and

WHEREAS, in gratitude and in honor of Representative Grimsley's

contributions to his community, state and nation, it is both appropriate and desirable that he be singularly recognized, and that his life be perpetuated in public memory; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and in memory of State Representative George H. Grimsley, we do hereby name and designate Alabama Highway 95, from Abbeville to Gordon, Alabama, the "George H. Grimsley Highway."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said Highway as the "George H. Grimsley Highway."

RESOLVED FURTHER, That the family of the late George H. Grimsley shall receive a copy of this resolution as a memento of this honorary designation of the Legislature.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 316, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Mathis:

H. R. 317. COMMENDING MRS. QUEEN LAWSON, GENEVA COUNTY EDUCATOR.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Grayson, the rules were suspended in order to take up out of order the bill, H. 701.

Yeas 12; Nays 3.

Yeas:

Reps.: Albright, Brooks, Bryant, Butler, Davis, Grayson, Hall, Horn, Melton, Perdue, Rogers and Spratt.

—12

Nays: Reps.: Fuller, Hettinger and Turnham.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 701. Relating to the city of Huntsville, Alabama; providing further for the city council by providing for election of the members of such council from certain defined districts; providing for certain concurrent terms of office for such members.

Was taken up.

SUBSTITUTE OFFERED

Rep. Grayson offered the following substitute to the bill, H. 701:

A BILL
TO BE ENTITLED
AN ACT

Relating to the city of Huntsville, Alabama; providing further for the city council by providing for election of the members of such council from certain defined districts; providing for certain concurrent terms of office for such members and providing for a non-voting presiding officer or president for such council who shall be elected from the city at-large; and to provide for the referendum election approval of a majority of the electors of Huntsville as a prerequisite to the legal effect of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the next regularly scheduled election for a term of office for any of the current seats on the city council of Huntsville, Alabama, the membership of such council shall be expanded so as to be composed of a presiding officer or president who shall be elected from the city at-large and who shall have no vote on matters before the council and seven regular members to be elected from city council districts described as follows:

DISTRICT ONE

Beginning on Lee Highway at eastern boundary of city limits; thence, west on Lee Highway to Memorial Parkway; thence, north on Memorial Parkway to Mastin Lake Road; thence, west on Mastin Lake Road to Pulaski Pike; thence, north on Pulaski Pike to Stringfield Road; thence, west on Stringfield Road to western city limit boundary to Pulaski Pike; thence, north on city limits western boundary to northern boundary of city limits; thence, east along northern city limits boundary to city limits on eastern limits; thence, south along eastern city limits boundary to the point of beginning on Lee Highway.

DISTRICT TWO

Beginning north at city limits on Stringfield Road and Pulaski Pike; thence, west on Stringfield Road to city limits; thence, south on west boundary to city limits; thence, south on west boundary of city limits; thence, south on west boundary on city limits to west boundary of city limits adjacent to Slaughter Road; thence, east on southern boundary of city limits adjacent to Highway 20 to Sparkman Drive; thence, north on Sparkman Drive to University Drive; thence, east on University Drive to Brogman Branch; thence, north on Brogman Branch to Carmichael Avenue; thence, east on Carmichael Avenue to Pulaski Pike; thence, north on Pulaski Pike to point of beginning on Stringfield Road.

DISTRICT THREE

Beginning at Lee Highway and Andrew Jackson Way; thence, south on Andrew Jackson Way to Pratt Avenue; thence West on Pratt Avenue to Meridian Street; thence, south on Meridian Street to Monroe Street; thence, west on Monroe Street to Jefferson Street; thence, south on Jefferson Street, West Side Square and Madison Street to Governors Drive; thence, west on Governors Drive to Fourth Street; thence North on Fourth Street to Clinton Avenue; thence, East on Clinton Avenue to Lowry Street; thence North on Lowry Street to Southern Railroad track; thence East on Southern Railroad track to Brogman Branch; thence, north on Brogman Branch to Carmichael Avenue; thence, east on Carmichael Avenue to Pulaski Pike; thence, north on Pulaski Pike to Mastin Lake Road; thence, east

on Mastin Lake Road to North Memorial Parkway; thence, south on Memorial Parkway to Lee Highway; thence, east on Lee Highway to point of beginning on Andrew Jackson Way.

DISTRICT FOUR

Beginning on Lee Highway at eastern boundary of city limits; thence, west on Lee Highway to Andrew Jackson Way; thence, south on Andrew Jackson Way to Pratt Avenue; thence West on Pratt Avenue to Meridian Street; thence South on Meridian Street to Monroe Street; thence, west on Monroe Street to Jefferson Street; thence, south on Jefferson Street, West Side Square and Madison Street to Whitesburg Drive; thence, south on Whitesburg Drive to Drake Avenue; thence, east on Drake Avenue to Garth Road; thence South on Garth Road to Four Mile Post Road; thence East on Four Mile Post Road to city limits; thence, north on city limits east boundary to Lee Highway.

DISTRICT FIVE

Beginning on Sparkman Drive at southern boundary of city limits; thence, north on Sparkman Drive to University Drive; thence, east on University Drive to Broglan Branch; thence, south on Broglan Branch to Southern Railroad track; thence West on Southern Railroad track to Lowry Street; thence South on Lowry Street to Clinton Avenue; thence West on Clinton Avenue to 4th Street; thence South on 4th Street to Governors Drive; thence, east on Governors Drive to Whitesburg Drive; thence, south on Whitesburg Drive to Drake Avenue; thence, west on Drake Avenue to Patton Road; thence, north on Patton Road to Bob Wallace Avenue; thence, west on Bob Wallace Avenue to the point of beginning on Sparkman Drive.

DISTRICT SIX

Beginning at Drake Avenue and Patton Road; thence, south on Patton Road to city limits; thence, south on city limits western boundary to southern city limits boundary; thence, east on southern city limits boundary to Memorial Parkway; thence, north on Memorial Parkway to Martin Road; thence, east on Martin Road to Whitesburg Drive; thence, north on Whitesburg Drive to Four Mile Post Road; thence, east on Four Mile Post Road to Garth Road; thence, north on Garth Road to Drake Avenue; thence, west on Drake Avenue to Point of Origin on Patton Road.

DISTRICT SEVEN

Beginning on Four Mile Post Road at Whitesburg Drive; thence, south on Whitesburg Drive to Martin Road; thence, west on Martin Road to Memorial Parkway; thence, south on Memorial Parkway to city limits on southern boundary; thence, east on southern boundary of city limits to eastern boundary of city limits; thence, north on eastern boundary of city limits to a straight line with Four Mile Post Road; thence, west on a straight line from eastern boundary with Four Mile Post Road to point of beginning on Whitesburg Drive.

Each candidate for a seat on the city council shall be a resident and a qualified elector of the district which, if elected, he or she would represent on the council. The presiding officer or president shall be a resident and qualified elector of the city. Each member and the presiding officer shall serve for a four-year term of office running concurrently with the terms of other council members and the mayor. Provided, however, that any incumbent member of the council whose term would be adversely affected by the

foregoing provision calling for concurrent terms for all council members shall have his or her current term of office extended to the extent necessary to provide that for the full duration of the term for which such member was last elected. Incumbent members whose terms would expire under the provisions of this act prior to the expiration of their terms shall continue to serve on the council in an at-large capacity for the duration of the term for which such member was elected. New or expansion seats on the city council, as provided for herein, shall be filled by election on such district basis simultaneous with the next regularly scheduled election for any current seat on the council except that the presiding officer, as herein provided for, shall be elected at such time on an at-large basis.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective only if approved by a majority of the qualified voters of the City of Huntsville in a referendum on the September 1984 primary election. The question on the ballot shall be substantially as follows: "Do you favor districting provisions set forth in Act No. —, proposed by H. B. 471, as substituted, relating to the districting of the City Council of Huntsville? Yes () No ()." If a majority votes "yes," this act shall become legally effective. If a majority votes "no," this act shall have no force or effect of law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 14; Nays 0.

Yeas:

Reps.: Albright, Brooks, Bryant, Bugg, Buskey (John), Butler, Grayson, Hall, Hettinger, Mathis, Preuitt, Rice, Sasser and Turnham.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 701. Relating to the city of Huntsville, Alabama; providing further for the city council by providing for election of the members of such council from certain defined districts; providing for certain concurrent terms of office for such members and providing for a non-voting presiding officer or president for such council who shall be elected from the city at-large; and to provide for the referendum election approval of a majority of the electors of Huntsville as a prerequisite to the legal effect of this act.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 15; Nays 0.

Yeas:

Reps.: Albright, Brooks, Bryant, Buskey (John), Butler, Grayson, Hall, Hettinger, Kennedy, Mathis, Preuitt, Rains, Rice, Turnham and Warren.

—15

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Grayson, the rules were suspended in order to take up out of order the bill, H. 702.

Yeas 6; *Nays* 1.

Yeas:

Reps.: Albright, Brooks, Butler, Grayson, Hall and Preuitt.

—6

Nay: Rep. Hettinger.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 702. Relating to the city of Huntsville, Alabama; providing further for the city board of education by providing for election of the members of such board from certain defined districts and providing terms of office for such members which shall run concurrently with those of the mayor and the members of the city council.

Was taken up.

SUBSTITUTE OFFERED

Rep. Grayson offered the following substitute to the bill, H. 702:

A BILL TO BE ENTITLED AN ACT

Relating to the city of Huntsville, Alabama; providing further for the city board of education by providing for election of the members of such board from certain defined districts and providing terms of office for such members which shall run concurrently with those of the mayor and the members of the city council, and to provide for the referendum election approval of a majority of the electors of Huntsville as a prerequisite to the legal effect of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the next election for members of the board of education for the city of Huntsville, Alabama, such board shall be com-

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posed of seven members who shall qualify and be elected from city school districts with boundaries described as follows:

DISTRICT ONE

Beginning on Lee Highway at eastern boundary of city limits; thence, west on Lee Highway to Memorial Parkway; thence, north on Memorial Parkway to Mastin Lake Road; thence, west on Mastin Lake Road to Pulaski Pike; thence, north on Pulaski Pike to Stringfield Road; thence, west on Stringfield Road to western city limit boundary parallel to Pulaski Pike; thence, north on city limits western boundary to northern boundary of city limits; thence, east along northern city limits boundary to city limits on eastern limits; thence, south along eastern city limits boundary to the point of beginning on Lee Highway.

DISTRICT TWO

Beginning north at city limits on Stringfield Road and Pulaski Pike; thence, west on Stringfield Road to city limits; thence, south on west boundary to city limits; thence, south on west boundary of city limits; thence, south on west boundary on city limits to west boundary of city limits adjacent to Slaughter Road; thence, east on southern boundary of city limits adjacent to Highway 20 to Sparkman Drive; thence, north on Sparkman Drive to University Drive; thence, east on University Drive to Broglan Branch; thence, north on Broglan Branch to Carmichael Avenue; thence, east on Carmichael Avenue to Pulaski Pike; thence, north on Pulaski Pike to point of beginning on Stringfield Road.

DISTRICT THREE

Beginning at Lee Highway and Andrew Jackson Way; thence south on Andrew Jackson Way to Pratt Avenue; thence west on Pratt Avenue to Meridian Street; thence, south on Meridian Street to Monroe Street; thence, west on Monroe Street to Jefferson Street; thence, south on Jefferson Street, West Side Square and Madison Street to Governors Drive; thence, west on Governors Drive to Fourth Street; thence north on 4th Street to Clinton Avenue; thence, east on Clinton Avenue to Lowry Street; thence north on Lowry Street to Southern Railroad track; thence east on Southern Railroad track to Broglan Branch; thence, north on Broglan Branch to Carmichael Avenue; thence, east on Carmichael Avenue to Pulaski Pike; thence, north on Pulaski Pike to Mastin Lake Road; thence, east on Mastin Lake Road to North Memorial Parkway; thence, south on Memorial Parkway to Lee Highway; thence, east on Lee Highway to point of beginning on Andrew Jackson Way.

DISTRICT FOUR

Beginning on Lee Highway at eastern boundary of city limits; thence, west on Lee Highway to Andrew Jackson Way; thence, south on Andrew Jackson Way to Pratt Avenue; thence west on Pratt Avenue to Meridian Street; thence, south on Meridian Street to Monroe Street; thence, west on Monroe Street to Jefferson Street; thence, south on Jefferson Street, West Side Square and Madison Street to Whitesburg Drive; thence, south on Whitesburg Drive to Drake Avenue; thence, east on Drake Avenue to Garth Road; thence, south on Garth Road to Four Mile Post Road; thence, east on Four Mile Post Road to city limits; thence, north on city limits east boundary to Lee Highway.

DISTRICT FIVE

Beginning on Sparkman Drive at southern boundary of city limits; thence, north on Sparkman Drive to University Drive; thence, east on University Drive to Brogman Branch; thence, south on Brogman Branch to Southern Railroad track; thence, west on Southern Railroad track to Lowry Street; thence, south on Lowry Street to Clinton Avenue; thence west on Clinton Avenue to 4th Street; thence, south on 4th Street to Governors Drive; thence, east on Governors Drive to Whitesburg Drive; thence, south on Whitesburg Drive to Drake Avenue; thence, west on Drake Avenue to Patton Road; thence, north on Patton Road to Bob Wallace Avenue; thence, west on Bob Wallace Avenue to the point of beginning on Sparkman Drive.

DISTRICT SIX

Beginning at Drake Avenue and Patton Road; thence, south on Patton Road to city limits; thence, south on city limits western boundary to southern city limits boundary; thence, east on southern city limits boundary to Memorial Parkway; thence, north on Memorial Parkway to Martin Road; thence, east on Martin Road to Whitesburg Drive; thence, north on Whitesburg Drive to Four Mile Post Road; thence, west on Four Mile Post Road to Garth Road; thence, north on Garth Road to Drake Avenue; thence, west on Drake Avenue to Point of beginning on Patton Road.

DISTRICT SEVEN

Beginning on Four Mile Post Road at Whitesburg Drive; thence, south on Whitesburg Drive to Martin Road; thence, west on Martin Road to Memorial Parkway; thence, south on Memorial Parkway to city limits on southern boundary; thence, east on southern boundary of city limits to eastern boundary of city limits; thence, North on eastern boundary of city limits to a straight line with Four Mile Post Road; thence, west on a straight line from eastern boundary with Four Mile Post Road to point of beginning on Whitesburg Drive.

Each candidate for a seat on such board shall be a resident and qualified elector of the city school district which, if elected, he or she would represent on the board. The terms of office for such members shall be four years running concurrently with those of the mayor and members of the city council.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective only if approved by a majority of the qualified voters of the City of Huntsville in a referendum on the September 1984 primary election. The question on the ballot shall be substantially as follows: "Do you favor the City Board of Education districting provisions set forth in Act No. ___, proposed by H. B. 472, as substituted, relating to the districting of the City of Huntsville Board of Education? Yes () No ()." If a majority votes "yes," this act shall become legally effective. If a majority votes "no," this act shall have no force or effect of law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 6; Nays 0.

Yeas:

Reps.: Albright, Brooks, Butler, Grayson, Hall and Hettinger.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 702. Relating to the city of Huntsville, Alabama; providing further for the city board of education by providing for election of the members of such board from certain defined districts and providing terms of office for such members which shall run concurrently with those of the mayor and the members of the city council, and to provide for the referendum election approval of a majority of the electors of Huntsville as a prerequisite to the legal effect of this act.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 6; Nays 0.

Yeas:

Reps.: Albright, Brooks, Butler, Grayson, Hall and Hettinger.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS ON THIRD READING

And the bill:

H. 804. To amend further Section 3 of Act No. 107, H. 150, 1st Special Session of 1956, Acts of Special Sessions 1956, p. 154, creating and providing for in the City of Prichard, Alabama a special fund to be known as "The Municipal Employees Pension and Relief Fund" so as to provide for the eligibility of certain city officials to be included in such pension and relief system.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 16; Nays 0.

Yeas:

Reps.: Albright, Black, Box, Brooks, Bryant, Buskey (James), Butler, Clark (W), Gaston, Goodwin, Grayson, Kennedy, Preuit, Spratt, Turner and Zoghby.

—16

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 889. (With Amendment): Relating to Chambers County; to provide further for the salary of the coroner.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. 889, page 1, at the beginning of line 28, by striking ~~immediately~~ and inserting in lieu thereof the following:

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And the amendment was adopted.

Yeas 14; Nays 0.

Yeas:

Mr. Speaker, Albright, Brooks, Carter, Coleman, Crow, Fuller, Goodwin, Hall, Lauderdale, Parker, Reed, Tanner and White (L).

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 889 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 18; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Brooks, Butler, Carter, Clark (D), Coleman, Escott, Fuller, Goodwin, Laird, Lauderdale, Preuit, Reed, Turnham and White (L).

—18

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 753. Relating to Madison County; providing for the county governing body to reimburse the office of probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made

in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 15; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blakeney, Brooks, Bryant, Butler, Carter, Fuller, Hall, Hettinger, Martin, Penry, Starkey and White (L).

—15

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 855. Relating to Baldwin County, authorizing the county commission to appropriate money or equipment to certain duly organized, established and approved search and rescue squads or units.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 34; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Butler, Carter, Clark (D), Clark (J), Crow, Fuller, Gaston, Goodwin, Hettinger, Hooper, Junkins, Kennedy, Lauderdale, McMillan, Mikell, Newman, Parker, Penry, Poole, Rains, Richardson, Smith, Starr and White (L).

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 858. Relating to Baldwin County; further providing that the county commission of Baldwin County is hereby authorized to appoint real estate agents or other persons in the real estate field to the Baldwin County Planning Commission, to provide that the real estate agents or persons in the real estate field shall not exceed 25 percent of the composition of the Baldwin County Planning Commission, and giving this act retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 30; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Black, Box, Brooks, Browder, Bryant, Butler, Carter, Clark (D), Fuller, Gaston, Goodwin, Hall, Hettinger, Johnson (R.G.), Junkins, Kennedy, Kvalheim, McMillan, Newman, Parker, Penry, Preuitt, Rains, Starr, Turner and White (L).

—30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 859. Relating to the twenty-eighth judicial circuit in Baldwin County; granting certain law enforcement authority to investigators of the district attorney's office and allowing court bailiffs and employees of the district attorney's office to attend grand jury sessions except when said jury is deliberating.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 32; Nays 0.

Yeas:

Mr. Speaker, Albright, Biddle, Black, Box, Brooks, Browder, Bryant, Carter, Clark (D), Clark (J), Faulk, Gaston, Goodwin, Grayson, Hall, Hettinger, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Newman, Parker, Penry, Preuitt, Rains, Richardson, Smith, Turner and White (L).

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

And the bill:

H. 863. To amend the Title and Section 4 of Act No. 80-572, S. 576 (Acts 1980, p. 885), said act relating to Lowndes County and the additional levy of tax on persons, firms and corporations selling and distributing or delivering malt or brewed beverages to retailers, so as to provide further for the administration of the Juvenile Services Trust Fund Account.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 32; Nays 0.

Yeas:

Mr. Speaker, Albright, Biddle, Black, Blake, Blakeney, Box, Brooks, Browder, Buskey (John), Carter, Clark (D), Clark (J), Crow, Goodwin, Grayson, Hettinger, Johnson (R.G.), Junkins, Kennedy, Lauderdale, McMillan, Martin, Newman, Parker, Penry, Preuitt, Rains, Richardson, Tanner, Thomas and White (L).

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 840. To levy a finance charge of ten cents per acre to be assessed against lands in Hale County, Alabama, which are used for timber growing purposes; to provide protection against forest fires, insects and disease within Hale County; to provide for a referendum on the question; and to prescribe the procedure for the collection of such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Albright, Biddle, Black, Blake, Box, Brooks, Browder, Bryant, Butler, Carter, Clark (D), Clark (J), Coleman, Crow, Goodwin, Grayson, Hettinger, Hooper, Johnson (R.G.), Junkins, Kennedy, Lauderdale, McMillan, Martin, Newman, Parker, Penry, Poole, Preuitt, Rains, Richardson, Smith, Thomas and Turner.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 880. Relating to Macon County; to provide for a secretary-office manager for the county legislative delegation; to provide office space for said official.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Black, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Buskey (John), Carter, Clark (D), Clark (J), Coleman, Crow, Fuller, Goodwin, Hettinger, Junkins, Kennedy, Lauderdale, Martin, Melton, Newman, Parker, Penry, Preuitt, Richardson, Thomas, Turner, Venable and White (L).

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 881. Relating to Macon County; providing for the election of the members of the county governing body by districts and requiring that each be elected by the qualified electors residing only within his district.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Biddle, Black, Box, Brooks, Browder, Bryant, Buskey (John), Carter, Clark (D), Clark (J), Coleman, Crow, Fuller, Gaston, Goodwin, Grayson, Hall, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Melton, Newman, Parker, Penry, Poole, Preuitt, Richardson, Smith, Thomas, Turner and White (L).

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 882. (With Amendment): Relating to Macon County; providing for election of the members of the county board of education from certain districts which shall be the same as those districts served by county commissioners and providing for a chairman for such board to be elected from the county at-large.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

In the title, place a period after the word "commissioners" and delete the words: "; and providing for a chairman for such board to be elected from the county-at-large."

In Section 1 delete the words: "In addition to the aforementioned members, a chairman for such board shall be elected from the county-at-large in the 1984 general election and every four years thereafter. Such chairman shall preside at all board meetings and have a vote on all matters before the board."

And the amendment was adopted.

Yeas 28; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Blake, Blakeney, Box, Brooks, Browder, Bryant, Carter, Clark (J), Coleman, Escott, Grayson, Hall, Hettinger, Hooper, Junkins, Kennedy, Newman, Parker, Penry, Preuitt, Richardson, Smith, Turner and White (L).

—28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 882. Relating to Macon County; providing for election of the members of the county board of education from certain districts which shall be the same as those districts served by county commissioners.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 30; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Blakeney, Box, Brooks, Bryant, Buskey (John), Carter, Clark (D), Clark (J), Crow, Davis, Escott, Goodwin, Hall, Hooper, Junkins, Kennedy, Lauderdale, McNair, Newman, Parker, Penry, Preuitt, Richardson, Turner, White (L) and Zoghby.

—30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 883. Relating to Macon County; providing further for the deposit and disposition of fees and charges collected by the Judge of Probate of Macon County, pursuant to Act No. 81-584, H. 978, 1981 Regular Session (Acts 1981, p. 969) and Act No. 81-588, H. 1007, 1981 Regular Session (Acts 1981, p. 973), which acts relate to costs for recordings and filings of petitions, so as to provide all such funds shall be deposited to the probate office to be expended for purposes of the probate office, as determined in the sole discretion of the judge of probate; and making the provisions of this act retroactive to May 17, 1981.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Goodwin, Grayson, Grouby, Hall, Hooper, Horn, Johnson (R.G.), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McMillan, McNair, Martin, Melton, Newman, Nichols, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (F) and White (L).

—69

And the bill:

H. 884. (With Amendment): Relating to Macon County; providing for a full-time chairman at the discretion of the county commission until the general election of 1986; providing that in 1986 such chairman shall be elected at-large from the county; authorizing the county commission to set the salary of the chairman within a certain limit and authorizing the chairman to employ an administrative assistant within a certain salary range and other necessary personnel.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. 884, page 1, at the beginning of line 23, by striking ~~over~~ and inserting in lieu thereof for.

And the amendment was adopted.

Yeas 34; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blake, Box, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Crow, Escott, Fuller, Goodwin, Grayson, Hall, Harvey, Hooper, Johnson (R.G.), Junkins, Kennedy, Newman, Penry, Poole, Richardson, Smith, Warren and Zoghby.

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 884, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yeas:

Mr. Speaker, Albright, Blake, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Carter, Clark (D), Clark (W), Fuller, Goodwin, Grayson, Hall, Hooper, Johnson (R.G.), Junkins, Kennedy, Melton, Newman, Nicholson, Penry, Poole, Rice, Richardson, Smith, Starkey, Turner, Warren, White (L) and Zoghby.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 886. (With Amendment): Proposing an amendment to the Consti-

tution of 1901; relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Macon County.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. 886, page 3, line 5, after the word "Hospital" by striking the period and adding the following: for indigent patient care.

And the amendment was adopted.

Yeas 41; Nays 0.

Yeas:

Reps.: Albright, Blakeney, Box, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Grayson, Hooper, Junkins, Kennedy, Lauderdale, Lindsey, McDowell, Melton, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Rice, Rogers, Starkey and White (L).

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 886, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Reps.: Biddle, Blakeney, Box, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Harper, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Spratt, Starkey, Starr, Tanner, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—70

And the bill:

H. 885. Relating to the city of Muscle Shoals; and to provide further for the compensation of the members and chairman of the Utilities Board of the City of Muscle Shoals.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Box, Brooks, Bryant, Buskey (John), Butler, Clark (D), Fuller, Gaston, Goodwin, Hall, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, McMillan, Martin, Mathis, Nicholson, Parker, Penry, Perdue, Preuitt, Rice, Spratt, Starkey, Turner, Warren, White (F), White (L) and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 891. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint City.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (W), Crow, Davis, Escott, Fuller, Gaston, Goodwin, Grayson, Hall, Hettinger, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McMillan, Mathis, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Rice, Smith, Spratt, Starkey, Turner, Venable, White (F), White (L) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 892. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Trinity, in Morgan County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Box, Britnell, Brooks, Bryant, Buskey (John), Butler, Carter, Escott, Fuller, Gaston, Grayson, Grouby, Hall, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Mathis, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Rice, Smith, Turner, Venable, White (F), White (L) and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 894. Relating to the City of Athens; authorizing the governing body of such municipality to adopt ordinances to provide for the protection of the historic character of the City of Athens; and providing for a Historic Preservation Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (W), Crow, Davis, Escott, Gaston, Grayson, Grouby, Hall, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Mitchell, Newman, Nicholson, Onderdonk, Parker, Preuitt, Rice, Richardson, Smith, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dixon:

S. J. R. 133. CREATING THE CONTRACT REVIEW PERMANENT LEGISLATIVE OVERSIGHT COMMITTEE.

WHEREAS, It has come to the attention of the Alabama Legislature that public officials, both elected and appointed, have the legal authority to encumber the funds of the State of Alabama through the execution of legal and binding contracts; and

WHEREAS, That authority has resulted in an encumbrance of \$29,811,481.00, exclusive of property rental leases, contract employees and special assistant attorney's general, for the 1983-84 fiscal year; and

WHEREAS, It is the stated intent and desire of the Alabama Legislature to assure the Alabama taxpayer that it is our recognized responsibility to do our utmost to assure the citizens of this state that the tax dollars they give to fund the services the State provides are spent in the most effective manner; Now Therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Contract Review Permanent Legislative Oversight Committee. Said Committee shall be composed of the Chairman of the Senate Finance and Taxation Committee and the Chairman of the House Ways and Means Committee, and three additional members of the Senate to be appointed by the President of the Senate and three additional members of the House, to be appointed by the Speaker of the House.

BE IT FURTHER RESOLVED, That each member of the Committee shall be entitled to regular legislative compensation, per diem and travel expenses for each day he or she attends a meeting of the Committee, which shall be paid out of the funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the Committee's chairman, provided, however, that members shall not receive additional compensation or per diem when the Legislature is in session. Clerical help shall be furnished by the Secretary of the Senate and the Clerk of the House. The Committee shall have the responsibility of reviewing and recommending for or against each contract for personal services to be paid out of appropriated funds, federal or state, on a state warrant issued as recompense for those services. The Committee shall have the power to issue subpoenas for any witnesses and to require the production of any documents or contracts it feels it needs to examine in the conduct of its duties.

The Committee shall organize itself at the first meeting and elect from among its membership a Chairman and a Vice-Chairman.

BE IT FURTHER RESOLVED, That in no event shall the expenses of the Committee exceed more than \$10,000.00 annually in carrying out its responsibility.

McDOWELL LEE,
Secretary.

SENATE MESSAGE SUBSTITUTE OFFERED

Rep. Starr offered the following substitute to the resolution, S. J. R. 133:

CREATING THE CONTRACT REVIEW PERMANENT LEGISLATIVE OVERSIGHT COMMITTEE.

WHEREAS, It has come to the attention of the Alabama Legislature that public officials, both elected and appointed, have the legal authority to encumber the funds of the State of Alabama through the execution of legal and binding contracts; and

WHEREAS, That authority has resulted in an encumbrance of \$29,811,481.00, exclusive of property rental leases, contract employees and special assistant attorney's general, for the 1983-84 fiscal year; and

WHEREAS, It is the stated intent and desire of the Alabama Legislature to assure the Alabama taxpayer that it is our recognized responsibility to do our utmost to assure the citizens of this state that the tax dollars they give to fund the services the State provides are spent in the most effective manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Contract Review Permanent Legislative Oversight Committee. Said Com-

mittee shall be composed of the Chairman of the Senate Finance and Taxation Committee and the Chairman of the House Ways and Means Committee, and three additional members of the Senate to be appointed by the President of the Senate and three additional members of the House, to be appointed by the Speaker of the House.

BE IT FURTHER RESOLVED, That each member of the Committee shall be entitled to regular legislative compensation, per diem and travel expenses for each day he or she attends a meeting of the Committee, which shall be paid out of the funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the Committee's chairman, provided, however, that members shall not receive additional compensation or per diem when the Legislature is in session. Clerical help shall be furnished by the Secretary of the Senate and the Clerk of the House. The Committee shall have the responsibility of reviewing any existing or new contracts for personal services to be paid out of appropriated funds, federal or state, on a state warrant issued as recompense for those services. The Committee shall have the power to issue Subpoenas for any witnesses and to require the production of any documents or contracts it feels it needs to examine in the conduct of its duties.

The Committee shall organize itself at the first meeting and elect from among its membership a Chairman and a Vice-Chairman.

BE IT FURTHER RESOLVED, That in no event shall the expenses of the Committee exceed more than \$10,000.00 annually in carrying out its responsibility.

On motion of Rep. Starr, the substitute was adopted.

On motion of Rep. Starr, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 133 as amended.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 598. To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to authorize the department of economic and community affairs to prescribe procedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe penalties for violations of this act; to provide for certain personnel for the department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama, 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the House concurred in and adopted

the Senate amendment to the bill, H. 598, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to authorize the department of economic and community affairs to prescribe procedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe penalties for violations of this act; to provide for certain personnel for the department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The director of the department of economic and community affairs shall be responsible for the distribution, transfer, or disposal of all surplus personal property owned by the state and all right, title, interest, and equity in said property shall be transferred to said department for such purpose. The director may delegate to the chief of the surplus property division such supervision and control of the distribution or disposal of the aforementioned state owned surplus personal property.

(b) The meaning of certain words as used in this act are as follows:

(1) Division—shall mean surplus property division of the department of economic and community affairs.

(2) Surplus Property—shall mean that property declared by the personal property management coordinator of each state department, bureau, board, commission or agency to be surplus and so designated in writing to the chief of the division. All real property owned by any state department, bureau, board, commission, agency or institution, and any subdivision thereof; including, but not limited to, real property owned by any state college, university, two year college, technical school, or other postsecondary institution of higher learning shall be handled in the manner provided in Title 41, Chapter 4, Section 3, Code of Alabama 1975, or such other provisions of law as may be appropriate but in no circumstance shall any law regarding real property acquired, owned or disposed of by the state or any subdivision thereof be amended, substituted or in other manner altered by this act.

(3) Eligible Agency—shall mean any city, county, board of education, volunteer fire department, civil defense agency or state department, board, bureau, commission or agency that is not found to be in violation of division rules and regulations during the 12 months immediately preceding the intended purchase.

(4) Coordinator—shall mean that officer or employee who shall be designated by the head of each department, board, bureau, commission, institution, corporation or agency of the state, in writing, to the division, to be the personal property management coordinator.

(c) The coordinator shall report to the surplus property division of the department of economic and community affairs any personal property declared surplus by his department, board, bureau, commission, institution, corporation, or agency and deliver said property to any place designated by the division to be the proper place for such delivery.

(d) The division shall be authorized to promulgate such administrative rules and regulations as deemed necessary including, but not limited to: (1) promotion of surplus property; (2) shipment of surplus property; (3) storage of surplus property; (4) length of retention of surplus property; (5) public auction of surplus property; (6) such other rules and regulations as, from time to time, may be determined to be necessary.

(e) The division shall have authority to sell surplus property at fair market value, as established by the division and set out in its published rules, to incorporated cities, counties, volunteer fire departments, boards of education, civil defense agencies and state departments, boards, bureaus, commissions, or agencies. Payment for purchases by any of the abovementioned entities shall be made within 72 hours after such purchase. If payment is not made with 72 hours after a purchase, then such purchase shall be declared void and the property may be sold to another purchaser.

Provided, however, the governing body of any municipality with a population of less than 5,000 shall be given preference on the disposal of all surplus motor vehicles owned by the State of Alabama except those motor vehicles transferred to other state agencies.

Said municipalities shall notify the division, in writing, of type motor vehicle needed. A list shall be maintained by the division of such needs on a first come, first served basis and will be used to notify the municipalities when needed vehicles become available. Any municipality so notified shall have 7 work days in which to reply to the notice and accept or refuse the available vehicle.

Section 2. (a) Surplus property shall be made available at such times and places as determined to be appropriate by the division for inspection and acquisition by those agencies determined to be eligible for such acquisition under criteria developed and published by the division.

(b) The division shall periodically publish a list of all surplus property held by it at the time of such publication.

(c) The published list shall be made available to all state departments, boards, bureaus, commissions, institutions, corporations, or agencies.

(d) The published list shall also be made available to all eligible counties, cities, boards of education, civil defense agencies, volunteer fire departments.

(e) The division will determine the manner in which the list of surplus personal property shall be published.

(f) The division shall not be authorized to handle or dispose of any regulated hazardous materials.

Section 3. (a) The division shall be authorized to collect fees for transfer, handling, shipping, classification, warehousing, bidding, destruction, scrapping, or other disposal of property and such other fees as may be deemed appropriate in order to insure the continued efficient operation of the surplus property function of the department.

(b) The division shall establish two accounts within the state treasury

for the operation of the surplus property function as follows: (1) The first account shall be known as the federal surplus property account into which all moneys received from the distribution of federally donated surplus property shall be deposited; (2) The second account shall be known as the state surplus property account into which all moneys received from the distribution of state owned surplus property and any funds appropriated from the state general fund for the operation of the surplus property function shall be deposited.

(c) Any moneys deposited into either of the aforementioned accounts may be expended from time to time by the department for operation of the surplus property function including, but not limited to, repairs, salaries, rent, travel, acquisition of exchange and surplus property, and all other necessary operating expenditures providing, however, that on September 30 any unencumbered moneys remaining in the state surplus property account, up to an amount equal to the operating expenses of the quarter ending on September 30, shall be set aside for use during the quarter beginning October 1 for the purposes heretofore stated and any remainder shall revert to the state general fund. The federal surplus property account shall be a perpetual account, and funds therein shall not revert to the state general fund.

Section 4. The following provisions of this section shall apply only to that property that has been held by the division for a period of not less than 60 days from the date said property is first published in the list of surplus property, as set out in Section 2(b), and not purchased by any agency as set out in Section 1(e) of this act.

(a) All contracts made by, or on behalf of, the state of Alabama, or any department, board, bureau, commission, institution, corporation, or agency thereof, of whatever nature for the sale or disposal of tangible personal property owned by the state of Alabama, other than (1) alcoholic beverages, (2) products of the Alabama Institute for Deaf and Blind, (3) barter arrangements of the state prison system, (4) books, (5) school supplies, (6) food, (7) property used in vocational projects, (8) livestock, (9) property owned by any state college or university not under the control of the board of education of the state of Alabama, which has trade-in value which may be credited against the cost of replacement property purchased in accordance with the Alabama competitive bid laws, and (10) types of property, the disposal of which is otherwise provided or by law or which, by nature, are incapable of sale by auction or bid, shall be let by free and open competitive public auction or sealed bids.

(b) Every proposal to make a sale covered by this section shall be advertised for at least two weeks in advance of the date fixed for receiving bids. Such advertisement shall appear at least once a week for two consecutive weeks in a newspaper of general circulation in the county where the sale is to be made, and a copy of such proposal shall simultaneously be posted on a readily accessible public bulletin board at the main office of the chief of the division. Advertisements for bids shall state the item or items to be sold, by class and description, where the property is located and the dates, time, and place the property may be inspected. The advertisements shall further state the date, time, and place of auction or opening of sealed bids, and no bid shall be received at any time after the time advertised.

(c) The bids shall be publicly taken or opened, in case of sealed bids, by the chief of the division and all bidders shall be entitled to be present in person or by representative.

(d) The award of the contract shall be made to the successful bidder within 72 hours after taking of the bids.

(e) The bid of the successful bidder so marked, as well as the bids of the unsuccessful bidders in the case of sealed bids, shall be placed on file open to public inspection and shall become matters of public record.

(f) If a successful bidder shall fail to accept award of a contract, then he shall be prohibited from bidding at any sale held by the division for a period of 12 months following such failure to accept.

(g) The chief of the division may sell all items by lot or by individual item, whichever method, in his opinion, will bring the highest return for the items so advertised.

(h) In the event all bids received are less than the estimated market value of the property, the chief of the division shall reject all bids and readvertise and rebid.

(i) Nothing herein shall be construed to prevent the chief of the division from contracting with the highest bidder for any type of property to sell to that bidder all of that type of property at his bid price during that fiscal year providing such possible arrangement was included in the initial request for bids.

(j) All property advertised under the provisions of this section shall be available for inspection during the normal state office hours and at whatever place advertised for at least 48 hours prior to sale.

(k) All property sold under the provisions of this section shall be paid for by the purchaser or his representative by cashier's check, bank draft, certified check, U. S. currency, or notarized bank letter stating that the holder may purchase surplus property and also stating a maximum amount, at the time of acceptance of bid and award of contract, and said removal shall be not later than seven days after the awarding of the contract; provided, however, that the time limit of seven days shall not be applicable to sales of standing timber.

(l) All proceeds from sales made under the provisions of this section shall be paid into the state treasury or other legally authorized depository to be credited to the proper fund as set out in Section 3(b) prior to final distribution as set out in Section 4(p).

(m) No officer or employee of the state of Alabama or any of its departments, boards, bureaus, commissions, institutions, corporations, or agencies shall act as agent for any bidder; provided, however, that such officers or employees shall not be excluded from bidding on or purchasing state property at public sale or sealed bid.

(n) Any sale of tangible personal property or standing timber of the state made in violation of the terms of this act shall be null and void, and the person or persons responsible for the violation shall be subject to liquidated damages of not less than \$1,000.00 nor more than \$10,000.00, which may be recovered for the state of Alabama by the attorney general by civil action in the circuit court of Montgomery County. Any moneys recovered by the attorney general under this section shall be equally divided between the office of the attorney general and the state general fund.

(o) The provisions of this act shall not apply to the sale of diseased, storm or fire-damaged timber, nor shall it apply to timber cut on rights-of-way or easements. Such timber may be sold or otherwise disposed of in such

manner as the commissioner of conservation and natural resources deems in the best interest of the state; provided, that no sale of diseased timber shall be made until the state forester shall certify that such timber is diseased, and such certification shall be in written form and filed with the director of finance.

(p) Whenever any surplus property that was purchased with either earmarked state funds or restricted federal funds is sold by the division, the proceeds from such sale, less administrative expenses, shall be deposited to the credit of the specific fund of the state department, commission, or agency from which the original purchase of such property was made within 30 days from receipt of said proceeds. If the source of the original purchase of the property was a general fund appropriation, then said sale proceeds, less any administrative fee, as set out in the rules authorized to be promulgated by the division, shall be credited to the account from which it was purchased. In no event shall the said administrative fee, as mentioned above, exceed twenty-five percent (25%) of the gross sale price.

(q) All educational and eleemosynary institutions, not exempted in Section 4(a), governed by a board of trustees or other similar governing body, the department of mental health, and state docks department shall be governed by the provisions of this act.

(r) Violation of any of the provisions of this act shall constitute a Class B misdemeanor punishable as prescribed by law.

Section 5. All personnel, including those on personal service contracts, working within the surplus property division of the department of economic and community affairs at the passage of this bill shall, by virtue of this section, be considered to meet the requirements of the department in terms of education, training, and experience and shall automatically be placed within the state merit system with permanent status with all the rights and privileges thereof and shall enjoy the same employment and retirement privileges and rights as the legislature may determine from time to time or as may be otherwise determined by law or administrative rule or regulation according to the rules and regulations of the personnel department of the state of Alabama. All new future employees of the surplus property division of the department of economic and community affairs shall be required to meet the requirements of the state merit system.

All present employees of the surplus property division of the department of economic and community affairs shall remain in their respective positions and continue to enjoy employment conditions including, but not limited to, salary range and advancement at a level no less than those enjoyed prior to the enactment of this bill. However, nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner provided by law.

Section 6. All appropriations heretofore made to the finance department for administering the disposal of surplus property under Article 5, Chapter 16, of Title 41, of the Code of Alabama 1975, shall be transferred to the surplus property division of the department of economic and community affairs, along with all personnel, records, accounts, equipment and such other necessary things connected with the surplus property operation as determined by the finance director.

Section 7. The temporary state plan of operation for the state agency for federal property assistance which was approved by the governor of Alabama on July 14, 1977, and accepted by the general services administration

on September 14, 1977, shall become the permanent state plan of operation; provided, however, the division shall have authority, with approval of the governor, to revise said plan from time to time in accordance with regulations as established by the general services administration pursuant to Public Law 94-519 which governs the distribution of federal surplus property.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws in conflict herewith are hereby repealed and the provisions of Article 5, Chapter 16, Title 41, of the Code of Alabama 1975, are hereby specifically repealed.

Section 10. This act shall become effective October 1, 1984.

Yeas 35; Nays 2.

Yeas:

Mr. Speaker, Black, Bowling, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Carter, Crow, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Lauderdale, Lindsey, Mathis, Mitchell, Moore, Nicholson, Onderdonk, Poole, Preuitt, Rains, Rice, Richardson, Smith, Spratt, Starkey, Thomas, Trammell, Venable and White (G).

—35

Nays: Reps.: Brooks and Coleman.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 598 as thus amended, was again read at length and passed.

Yeas 52; Nays 4.

Yeas:

Mr. Speaker, Black, Blakeney, Bowling, Box, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Fuller, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kennedy, Laird, Lauderdale, Lindsey, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Preuitt, Rains, Rice, Richardson, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Venable, White (L) and Zoghby.

—52

Nays: Reps.: Bachus, Brooks, Butler and White (G).

—4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 454. To amend § 40-23-7, Code of Alabama 1975, so as to revise the payment schedule to require that payers of large State sales tax liabili-

ties will pay on an estimate basis during the period in which the tax liability accrues and to provide for distribution of the revenues.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the House concurred in and adopted the Senate amendment to the bill, H. 454, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To amend § 40-23-7, Code of Alabama 1975, so as to revise the payment schedule to require that payers of large State sales tax liabilities will pay on an estimate basis during the period in which the tax liability accrues and to provide for distribution of the revenues.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-7, Code of Alabama 1975, is hereby amended as follows:

“The taxes levied under the provisions of this division, except as otherwise provided, shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues.

On or before the twentieth of each month, every person on whom the taxes levied by this division are imposed shall render to the department of revenue, on a form prescribed by the department, a true and correct statement showing the gross sales, the gross proceeds of sales or gross receipts of his business, as the case may be, for the next preceding month; the amount of gross proceeds or gross receipts which are not subject to the tax, or are not to be used as a measurement of the taxes due by such person, and the nature thereof; together with such other information as the department may demand and require. At the time of making such monthly report such person shall compute the taxes due and shall pay to the department of revenue the amount of taxes shown to be due.

Any taxpayer liable for taxes under the provisions of this division whose average monthly state sales tax liability was \$1,000.00 or greater during the preceding calendar year shall make estimated payments to the department of revenue on or before the 20th day of the month in which the liability occurs as follows:

(a) The amount of the first estimated payment shall be sixty-six and two-thirds percent (66 $\frac{2}{3}$ %) of the taxpayer's actual tax liability for the same calendar month of the preceding year or sixty-six and two-thirds percent (66 $\frac{2}{3}$ %) of the current month's estimated liability.

(b) Any outstanding credit or deficit arising from the taxpayer's overpayment or underpayment of his final liability shall be applied to either increase or reduce, as the case may be, that month's final tax liability which shall be reported and paid not later than the twentieth of the month next succeeding the month in which the tax accrues.

(c) The revenues derived from the first month of receipts of the estimated payments made under the provisions of this section shall be depos-

ited to the credit of the State General Fund and for all succeeding months the revenues shall be deposited in accordance with § 40-23-35, Code of Alabama 1975.

(d) The provisions of this section shall not apply to the provisions of §§ 11-51-180, 11-51-200, and 40-12-4, Code of Alabama 1975.

When the total tax for which any person liable under this division does not exceed \$10.00 for any month, a quarterly return and remittance in lieu of the monthly returns may be made on or before the twentieth day of the month next succeeding the end of the quarter for which the tax is due when specially authorized by the department of revenue, and under such rules and regulations as may be prescribed.

The department of revenue, for good cause, may extend the time for making any return required under the provisions of this division, but the time for filing any such return shall not be extended for a period greater than 30 days from the date such return is due to be made."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration does not affect the part which remains.

Section 3. This Act shall become effective on October 1, 1984.

Yeas 51; Nays 2.

Yeas:

Mr. Speaker, Black, Blakeney, Bowling, Box, Britnell, Browder, Bryant, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Harvey, Hettinger, Holley, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Parker, Perdue, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Thomas, Turner, Venable, Warren and Zoghby.

—51

Nays: Reps.: Brooks and McNair.

—2

And the bill, H. 454 as thus amended, was again read at length and passed.

Yeas 46; Nays 9.

Yeas:

Mr. Speaker, Black, Blakeney, Bowling, Box, Britnell, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Escott, Fuller, Goodwin, Hettinger, Johnson (Roy), Kennedy, Lindsey, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Perdue, Richardson, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren and Zoghby.

—46

Nays:

Reps.: Brooks, Gaston, Grouby, Holley, Johnson (R.G.), McNair, Payne, Poole and White (G).

—9

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 318. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon adoption of this report, the following business in the order named be made the special and paramount order of business for Tuesday, May 1, 1984, taking precedence over any other business of the House and any other pending Special Orders:

Local Bills

<u>Bill No.</u>	<u>Page</u>	<u>Sponsor</u>	<u>Short Title</u>
H. 739	207	Raines	Vending machines; blind operators
H. 815	244	Turnham	Supp. appropriation/Attorney General
H. 828	233	Starkey	Supp. appropriation/Highway Dept.
S. 458	174	Aldridge	Motor Fuel Marketing Act
H. 846	242	Johnson (R.G.)	Natural gas/coal seams/expiration date

Unfinished Business:

<u>697(amdt)</u>	<u>158</u>	Zoghby	Dept. of Revenue; legal counsel
H. 698	158	Zoghby	Classified service; exceptions
H. 690	203	Clark, J.	Motor vehicle license plates; proof of payment of federal excise tax
H. 708	168	Campbell	Voluntary dissolution/corporations
H. 367	40	Campbell	Codification
H. 185	5	Tanner	Probate Code; amending
H. 94	7	Campbell	Administrative Procedures Act; amending
H. 326	149	Warren	Uniform Certificate of Title & Antitheft Act
H. 752	168	Campbell	Burial insurance policies
H. 171(amdt)	52	Adams	Probate offices; fees and charges

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H. 107	35	Kennedy	Emergency telephone boxes on interstate
H. 78	51	Clark, J.	State Parks; revolving fund
H. 158	13	White (L)	Leases & lease purchases; expenditure
H. 133	50	Britnell	Sick leave bank on request
H. 259	44	Coleman	Handicapped parking decals
H. 325(sub)	138	Johnson, Roy	Circuit clerks & registers; salaries
H. 612	136	Turnham	Circuit/district courts; fees & charge
H. 487	63	Clark, J.	Uniform State Laws Commission
H. 657	152	Harvey	Exemption of property/ execution or attachment
H. 502	102	White (L)	State Board of Pharmacy; appeals
H. 570	109	White (L)	State Board of Pharmacy; license fees
H. 32(amdt)	46	Turner	Full-time firefighters; payroll deduct
H. 586	130	Clark, D.	Nursing homes operated by V.A.
H. 328	53	Tanner	Municipalities; residence requirement
H. 446	94	Adams	Tax assessors/collectors; salaries
H. 21(amdt.)	32	Laird	Small Business Office of Advocacy
H. 624	131	Smith	Forestry Commission Steering Committee
H. 411	72	Johnson, Roy	State Employees Ins. Bd.; membership
H. 486	63	Clark, J.	Timesharing brokers; regulating
H. 461	85	Nicholson	Trust investments

H. 500	86	Mitchell	State Board of Barber Examiners
H. 110	27	Dutton	State archery hunting license provide
H. 317	70	Smith	FOP Annuity & Benefit Fund; amended
S. 79	73	Langford	Changing primary election date
S. 438	206	Cooley	Juvenile probation officers
H. 201	139	Harvey	Truck registration
H. 847	199	White, Gary	Good Samaritan Law
H. 260	28	Coleman	Parents' Locator Office; act amended
H. 638	127	Crow	Competitive bidding
H. 567	140	Moore	Therapeutic products tax exemption
H. 668(sub.)	143	Campbell	Judicial circuits; add'tl. judgeships
H. 213(amdt.)	66	Boles	Child support
H. 401	75	Mikell	Health Department fees
H. 769	181	Campbell	Long term leases
H. 611(sub.)	153	Faulk	Forestry Improvement Act
H. 322	48	Seibels	Cruelty to animals
H. 53	42	Mitchell	State employee payroll deductions
S. 356	181	Cooley	County commissioners minimum salary
H. 646	128	Smith	Retirement System; Board of Control
H. 476	112	Mitchell	Funeral Home Board
H. 441	59	Browder	Compensation to dependents of firemen killed on duty
H. 152	47	Johnson	Dental care

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H. 261(sub.)	38	Coleman	Child support; additional remedy
H. 457(sub.)	97	Flowers	American Legion scholarships
H. 875	218	Clark, J.	C.A.; boll weevil eradication
H. 833	217	Clark, J.	Boll weevil eradication; enabling act
H. 211	64	Boles	Uniform Parentage Act
H. 289	100	Sasser	Crime; victim's impact statement
H. 532	103	Buskey, James	Uniform observation of holidays
H. 174	49	Turnham	Dieticians; nutritionists
H. 711	168	Campbell	Business Corporation Act; amending
H. 174	49	Turnham	Dietitians, describes qualifications
H. 711	168	Campbell	Business Corporation Act
H. 521	167	Butler	Coated hand gun ammo- penetrates bullet proof vests
S. 219	155	Smith, J.	Pool tables
H. 108	13	Pratt	Proper decal in certain handicapped parking places
S. 191	179	Barron	Housecleaning for Banking Department
H. 373(amdt)	186	Melton	Hearing Aid
H. 133	50	Britnell	Sick Leave Bank
H. 372(amdt)	67	Blake	Warrants, issuance of: night time search and seizure further provided
H. 593(amdt)	107	Crow	Non-driver identification
H. 537	110	White, L.	Pharmacists: license fee increased
H. 46	64	Turnham	Displaced homemakers
H. 298	95	Moore	Tax exempt: 4-H Clubs

H. 34	57	Turner	13th Judicial Circuit Clerk to invest disburse court deposits
H. 602	150	Rogers	Sunday business opening
H. 642	128	Blake	Non-profit organizations
H. 502	102	White, L.	State Board of Pharmacy; amending act relating to appeals
H. 592(amdt)	192	Starkey	Competitive bids-equipment for utilities exempted
H. 308	30	Faulk	Municipal governing body
H. 595	163	Starkey	Presbyterian apartments tax exempt
H. 829	213	Mitchell	Livestock Dealers Financial Responsibility Act
H. 550	115	Penry	Bureau of Publicity and Information
H. 549	115	Penry	Bureau of Publicity and Information
H. 64	28	Sasser	Board of Registrars, Dale County
H. 640	156	Butler	Procedure for recount of municipal elections
H. 170	30	Adams	Newspapers to notify local government
H. 727	159	Clark, J.	Water and sewer systems, boards of directors expense allowances
H. 11(sub)	156	Starkey	Municipalities, mayor council form of government
H. 71	20	Richardson	Soy Bean check-off
H. 411	72	Johnson	State Employees Ins. Board
H. 601	107	Coleman	No course of action for injury or death sustained by felon in committing of fleeing from scene of felony
H. 677	143	Turnham	Private church school bill (Lee County)

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H. 146	98	Campbell	License fees increased
H. 402	75	Butler	Adv. local bills
H. 332(sub)	193	Kvalheim	Tel. No. 911 Emergency telephone service
H. 725	161	Clark, J.	Insurance Dept: Commissioner to collect certain fees and licenses
H. 816	238	Turnham	Retired probate judges; c.o.l. raise
H. 724	160	Clark, J.	Uniform health plan for retired state employees
H. 462	244	Harper	LA-MISS-Alabama Rapid Rail Transit Commission
H. 667	162	Carter	Group insurance/retired state employees
H. 71	20	Richardson	Soybean promotion
H. 780	241	Smith	A & I appropriation; (enabling act)
H. 743	240	Junkins	Coosa Valley Development Authority
H. 173	90	Turnham	Providing for buying time in Judicial Retirement Fund
H. 294	135	Biddle	Trooper subsistence pay

AMENDMENT OFFERED

Rep. Sasser offered the following amendment to the resolution,
H. R. 318:

Amend H. R. 318 by removing the Senate Bills from within the House
Bills on the Special Order Calendar and placing them at the end of the
Special Order Calendar.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep.
Sasser to the resolution, H. R. 318, was tabled.

Yeas 66; Nays 13.

Yeas:

Mr. Speaker, Biddle, Blake, Boles, Bowling, Box, Brakefield, Brooks,
Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark
(D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott,
Ford, Gaston, Goodwin, Gray, Hall, Harvey, Hettinger, Holley, Holmes,
Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim,

Lauderdale, McDowell, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Tanner, Thomas, Trammell, Turner, Warren, White (F), and Zoghby.

—66

Nays:

Reps.: Bachus, Faulk, Flowers, Fuller, Hooper, Laird, Lindsey, McKee, McMillan, Penry, Rice, Sasser and Turnham.

—13

On motion of Rep. Clark (J), the resolution, H. R. 318, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 739. To regulate the vending or selling of certain items within buildings or on property of the state, its agencies, institutions and political subdivisions, to authorize and provide for such vending or selling by blind persons; and to provide for the training and licensing of blind persons to engage in such vending or selling and for the financing of the selling and vending ventures of such blind persons in these public buildings and on this public property.

Was taken up.

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, H. 739:

Amend House Bill 739 by adding a new Section 6 as follows after Section 5 on page 4 and renumbering subsequent sections:

“Section 6. The licensing agency shall not issue a license to cover vending activities where the profits from such sales are earmarked for student scholarships, to refurbish and repair student housing, or to support student sponsored programs and facilities.”

AMENDMENT TABLED

On motion of Rep. Rains, the amendment offered by Rep. Turnham to the bill, H. 739, was tabled.

Yeas 61; Nays 13.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Goodwin, Gray, Grayson, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McMillan, McNair, Marietta, Mathis, Melton, Mitchell, Newman, Parker, Payne, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Smith, Spratt, Starkey, Trammell, Turner, Venable, Warren, and White (G).

—61

Nays:

Reps.: Buskey (John), Carothers, Ford, Fuller, Gaston, Kvalheim, Mikell, Nicholson, Rogers, Sasser, Starr, Turner and Turnham.

—13

AMENDMENT OFFERED

Rep. Turnham offered the following amendment #2 to the bill, H. 739:

Amend House Bill 739, Section 3 (d), page 3, by deleting the first sentence, lines 22:25, and inserting in lieu thereof the following:

“A license for the operation of a vending facility may be issued only to a blind person who has been a resident of Alabama for three years and who is able in spite of such infirmity to operate such a facility.”

AMENDMENT TABLED

On motion of Rep. Rains, the amendment #2 offered by Rep. Turnham to the bill, H. 739, was tabled.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Buskey (James), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harvey, Hettinger, Holmes, Hooper, Johnson (R.G.), Jenkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Warren, White (F), White (G) and Zoghby.

—86

AMENDMENT OFFERED

Rep. Rogers offered the following amendment to the bill, H. 739:

Amend H. B. 739, Section 3, page 3, line 31 by adding after the words “by such agency.” the following:

No licensee shall have the authority to sub-lease any vending operation to any other person, company, organization, or agency.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson

(Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—82

AMENDMENT OFFERED

Rep. Ford offered the following amendment to the bill, H. 739 as amended:

Amend House Bill 739, Page 2, Lines 11-16 by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

“(b) “Vending facility” means automatic vending machines, cart service, shelters, refrigerator apparatus, and other auxiliary equipment that may be used in vending such articles as may be approved by the licensing agency. This does not include cafeterias or concessions at athletic events.”

AMENDMENT TABLED

On motion of Rep. Rains, the amendment offered by Rep. Ford to the bill, H. 739 as amended, was tabled.

Yeas 39; nays 25.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Blake, Brakefield, Brooks, Bryant, Burke, Carter, Clark (D), Clark (J), Coleman, Davis, Dutton, Escott, Grouby, Holley, Johnson (R.G.), Johnson (Roy), Lindsey, McKee, McNair, Marietta, Mathis, Melton, Mitchell, Parker, Perdue, Pratt, Preuitt, Rains, Reed, Richardson, Smith, Spratt, Starkey, Thomas and Warren.

—39

Nays:

Reps.: Biddle, Bowling, Britnell, Bugg, Carothers, Cosby, Fuller, Gaston, Hooper, Junkins, Kennedy, Kvalheim, Martin, Moore, Newman, Penry, Rice, Sasser, Starr, Tanner, Turner, Turnham, White (F), White (L) and Zoghby.

—25

And the bill, H. 739, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 5.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains,

Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F) and Zoghby.

—86

Nays:

Reps.: Bowling, Fuller, Sasser, Turnham and White (L).

—5

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 701. Relating to the city of Huntsville, Alabama; providing further for the city council by providing for election of the members of such council from certain defined districts; providing for certain concurrent terms of office for such members and providing for a non-voting presiding officer or president for such council who shall be elected from the city at-large; and to provide for the referendum election approval of a majority of the electors of Huntsville as a prerequisite to the legal effect of this act.

JIMMY CLARK,
Chairman.

And the bill, H. 701 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 702. Relating to the city of Huntsville, Alabama; providing further for the city board of education by providing for election of the members of such board for certain defined districts and providing terms of office for such members which shall run concurrently with those of the mayor and the members of the city council, and to provide for the referendum election approval of a majority of the electors of Huntsville as a prerequisite to the legal effect of this act.

JIMMY CLARK,
Chairman.

And the bill, H. 702 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 882. Relating to Macon County; providing for election of the mem-

bers of the county board of education from certain districts which shall be the same as those districts served by county commissioners.

JIMMY CLARK,
Chairman.

And the bill, H. 882 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 815. To make an additional appropriation to the Office of the Attorney General for the payment of salaries and other expenses and to provide for repayment of certain amounts to the State Treasury.

Was taken up.

SUBSTITUTE OFFERED

Rep. Turnham offered the following substitute to the bill, H. 815:

A BILL TO BE ENTITLED AN ACT

To make an additional appropriation to the Office of the Attorney General for the payment of salaries and other expenses and to provide for repayment of certain amounts to the State Treasury and to amend Act No. 83-836, Third Special Session 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, in addition to all other appropriations heretofore made, to the Office of the Attorney General the amount of \$448,758 from the General Fund in the State Treasury for the payment of salaries and other expenses for Fiscal Year 1983-84.

Section 2. In the event the \$448,758 fine, or any part of it, paid by the Office of the Attorney General into Federal Court in the case of Newman versus the State of Alabama is returned to the Office of the Attorney General such office shall deposit that amount into the State Treasury for transfer to the General Fund of the State of Alabama.

Section 3. To amend Act No. 83-836, Third Special Session, 1983, in Section 2, paragraph (a), by striking out the number "\$1,000,000" inserting in lieu thereof the number \$551,242. However, in the event that any portion of the fine is returned to the Attorney General and deposited in the State General Fund, the conditional appropriation to the Department of Corrections as stated in Act No. 83-836 as amended, shall be increased by the same amount.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or by its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 63; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Biddle, Boles, Bowling, Brakefield,

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Britnell, Brooks, Bryant, Burke, Carothers, Clark (D), Clark (J), Coleman, Cosby, Crow, Dutton, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Martin, Mathis, Mitchell, Nicholson, Payne, Penry, Poole, Preuitt, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—63

Nay: Rep. Davis.

—1

The question was then on the passage of the bill, H. 815 as amended.

MOTION TO POSTPONE

Rep. Harvey offered the motion to temporarily postpone further consideration of the bill, H. 815 as amended.

MOTION TO TABLE LOST

The motion offered by Rep. Turnham to table the motion to postpone offered by Rep. Harvey, was lost.

Yeas 33; Nays 42.

Yeas:

Reps.: Beers, Brooks, Browder, Burke, Campbell, Carothers, Clark (J), Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Gray, Hall, Hammett, Hettinger, Hooper, Johnson (R.G.), McMillan, Mathis, Mikell, Moore, Penry, Preuitt, Rice, Smith, Starr, Turnham, Warren, White (F), White (G) and White (L).

—33

Nays:

Reps.: Albright, Black, Boles, Bowling, Box, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (W), Davis, Dutton, Escott, Grayson, Harvey, Holmes, Horn, Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McKee, McNair, Marietta, Martin, Melton, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Reed, Rogers, Spratt, Thomas, Trammell and Venable.

—42

H. 815 TEMPORARILY POSTPONED

The question was then on the motion offered by Rep. Harvey to temporarily postpone further consideration of the bill, H. 815 as amended, and the motion was adopted.

Yeas 47; Nays 31.

Yeas:

Reps.: Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (W), Davis, Dutton, Escott, Grayson, Hammett, Harvey, Hettinger, Holmes, Hooper, Horn, Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McKee, McNair, Marietta, Martin, Melton, Newman, Nicholson, Onderdonk, Parker, Perdue, Pratt, Reed, Rogers, Sasser, Spratt, Trammell and Venable.

—47

Nays:

Reps.: Adams, Bachus, Brooks, Browder, Campbell, Carothers, Cosby, Crow, Flowers, Fuller, Gaston, Goodwin, Gray, Hall, Kvalheim, McMillan, Mathis, Mikell, Moore, Payne, Penry, Poole, Preuitt, Rice, Smith, Starr, Turner, Turnham, Warren, White (F) and White (L).

—31

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 337. To provide for a state income tax refund check-off designation for the support of programs for the aging in Alabama.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 828. To make supplemental appropriations from the Public Road and Bridge Fund to the State Highway Department for the fiscal year ending September 30, 1984.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yeas:

Reps.: Adams, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Hooper, Horn, Johnson (R.G.), Junkins, Kennedy, Laird, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—81

Nay: Rep. McNair.

—1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Starkey, the rules were suspended in order to take up out of order the bill, H. 780.

And the bill:

H. 780. To provide for a supplemental appropriation to the Department of Agriculture and Industries from the Agricultural Fund for the period ending September 30, 1984, in the amount of \$400,000.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 1.

Yeas:

Reps.: Adams, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zogby.

—88

Nay: Rep. Hall.

—1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Starkey, the rules were suspended in order to take up out of order the bill, H. 707.

And the bill:

H. 707. A bill to amend Act No. 83-498, 1983 Regular Session of the Legislature of Alabama, to make the appropriation contained in said Act No. 83-498 in the amount of Six Million Five Hundred Thousand Dollars (\$6,500,000), constitute and consist of a supplemental appropriation for the period ending September 30, 1983 and an appropriation for subsequent fiscal years, from monies comprising Trust Capital of The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of requisitions submitted by the Alabama Housing Finance Authority for its payment of costs and expenditures (including funding of debt service reserve funds) incurred by it in the exercise of the powers granted to it by law, and to validate disbursements made to said Authority between August 1, 1983 and October 31, 1983 and to provide that any requisitions paid after December 31, 1983 shall only be made in connection with issuance of single family mortgage revenue bonds, the interest on which is exempt from federal income taxation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Hall, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, Lauderdale, McDowell, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Starkey,

Starr, Tanner, Trammell, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—81

Nay: Rep. Grayson.

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And the bill:

S. 458. To create the Motor Fuel Marketing Act in order to protect Alabama's consumers against major oil company monopolies; to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel in wholesale and retail trades; to provide for enforcement of the Act and penalties for violations; and for related purposes as well as to make certain declarations.

Was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the bill, S. 458:

A BILL TO BE ENTITLED AN ACT

To create the Motor Fuel Marketing Act in order to protect Alabama's consumers against major oil company monopolies; to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel in wholesale and retail trades; to provide for enforcement of the Act and penalties for violations; and for related purposes as well as to make certain declarations.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the "Motor Fuel Marketing Act."

Section 2. The Legislature makes the following findings with respect to the marketing of motor fuel in Alabama:

(a) Marketing of motor fuel is affected with the public interest.

(b) Unfair competition in the marketing of motor fuel occurs whenever costs associated with the marketing of motor fuel are recovered from other operations, allowing the refined motor fuel to be sold at subsidized prices. Such subsidies most commonly occur in one (1) of three (3) ways: when refiners use profits from refining of crude oil to cover below normal or negative returns earned from motor fuel marketing operations; where a marketer with more than one (1) location uses profits from one location to cover losses from below-cost selling of motor fuel at another location; and where a business uses profits from non-motor fuel sales to cover losses from below-cost selling of motor fuel.

(c) Independent motor fuel marketers (i.e., dealers, distributors, jobbers and wholesalers) are unable to survive predatory subsidized pricing at the marketing level by persons when all of an independent's income comes from marketing operations.

(d) Subsidized pricing is inherently predatory and is reducing competition in the petroleum industry, and if it continues unabated, will ultimately threaten the consuming public.

Section 3. It is hereby declared that marketing of motor fuel in Alabama is affected with the public interest. It is hereby declared to be the legislative intent to encourage fair and honest competition, and to safeguard the public against creation of monopolies or unfair methods of competition, in transactions involving the sale of, or offer to sell, or inducement to sell motor fuel in the wholesale and retail trades in this state. It is further declared that the advertising, offering for sale, or sale of motor fuel below cost or at a cost lower than charged other persons on the same marketing level with the intent of injuring competitors or destroying or substantially lessening competition is an unfair and deceptive trade practice. The policy of the state is to promote the general welfare through the prohibition of such sales. The purpose of the Motor Fuel Marketing Act is to carry out that policy in the public interest, providing for exceptions under stated circumstances, providing for enforcement and providing penalties.

Section 4. The following terms shall have the meanings ascribed to them in this section unless otherwise stated and unless the context or subject matter clearly indicates otherwise:

(a) "Person" shall mean any person, firm, association, organization, partnership, business trust, joint stock company, company, corporation or legal entity.

(b) "Motor Fuel" shall mean those products upon which the State Excise Tax levied, or defined, in Section 40-17-1 through 40-17-52 and 40-17-170, Code of Alabama 1975, as amended, is imposed.

(c) "Wholesaler" shall mean and include any person qualified as a wholesaler of motor fuel with the State Revenue Commissioner, and shall also mean and include any person, other than a buying pool defined herein, wherever resident or located, who brings or causes to be brought into this state motor fuel purchased directly from the manufacturer thereof.

(d) "Wholesale distribution" shall mean any person, or the act of any person, including any affiliate of such person, in commerce within the state, who purchases motor fuel for sale, consignment or distribution to another, or, receives motor fuel on consignment for consignment or distribution to his own motor fuel accounts or to accounts of his supplier, but shall not include a person who is an employee of, or merely serves as, a common carrier providing transportation services for such supplier.

(e) "Retailer" shall mean and include any person who is engaged in this state in the business of selling motor fuel at retail to the general public for ultimate consumption, and includes any group of persons, cooperative organizations, buying pools and any other person or group purchasing motor fuel on a cooperative basis from licensed distributors or wholesalers.

(f) "Buying pool" means and includes any combination, corporation, association, affiliation or group of retail dealers operating jointly in the purchase, sale, exchange or barter of motor fuel, the profits of which accrue directly or indirectly to such retail dealers.

(g) "Sale" or "sell" shall mean any transfer for a combination, exchange, barter, gift, offer for sale, advertising for sale, soliciting an order for motor fuel and distribution in any manner or by any means whatsoever.

(h) "Sell at wholesale," "sale at wholesale" and "wholesales" shall mean and include any sale made in the ordinary course of trade or usual conduct of the wholesaler's business to a retailer for the purpose of resale.

(i) "Sell at retail," "sale at retail" and "retail sales" shall mean and

include any sale for consumption or use in the ordinary course of trade or usual conduct of the seller's business.

(j) "Customary discount for cash" shall mean and include any allowance, whether a part of a larger discount or not, made to a wholesaler or retailer when such person pays for motor fuel within a limited or specified time.

(k) "Refiner" shall mean any person engaged in the production or refining of motor fuel, whether such production or refining occurs in this state or elsewhere, and includes any affiliate of such person.

(l) "Cost to refiner" shall mean that refiners' posted terminal price to the wholesale class of trade. In the event a refiner does not regularly sell to the wholesale class of trade at that terminal or does not post such a terminal price, it may use as its cost the posted price of any other refiner at any terminal within the general trade area which has products readily available for sale to the wholesale class of trade.

(m) "Competition" shall mean and include any person who competes with another person in the same market area at the same level of distribution.

(n) "Basic cost of motor fuel" shall mean whichever of the two (2) following amounts is lower, namely, (i) the invoice cost of motor fuel to the wholesaler or retailer, as the case may be, or (ii) the lowest replacement cost of motor fuel to the wholesaler or retailer, as the case may be, within five (5) days prior to the date of sale, in the quantity last purchased (whether within or before the said five-day period), less, in either of said two (2) cases, all trade discounts except customary discounts for cash, plus the full value of freight costs and any taxes which may be required by law, now in effect or hereafter enacted, if not already included in the invoice cost of the motor fuel to the wholesaler or retailer, as the case may be. In computing its basic cost of motor fuel, its cost of doing business and in meeting competition under Section 8 of this Act; a refiner that assesses a processing fee of any kind for credit card transactions must assess such fees in a like manner to its affiliates.

(o) "Cost to wholesaler" shall mean, as applied to wholesale distribution, the invoice or replacement cost of the motor fuel within five (5) days prior to the date of sale, in the quantity last purchased, whichever is less, less all trade discounts except customary discounts for cash, to which shall be added all applicable state, federal and local taxes, inspection fees, freight charges not otherwise included in the cost of motor fuel, cartage to the retail outlet, if paid by the wholesaler, plus the cost of doing business.

(p) "Cost to retailer" shall mean, as applied to retail sales, the invoice or replacement cost of the motor fuel within five (5) days prior to the date of sale, in the quantity last purchased, whichever is less, less all trade discounts except customary discounts for cash, to which shall be added all applicable state, federal and local taxes, inspection fees, freight costs, if paid by the retailer, plus the cost of doing business.

(q) "Cost of doing business" or "overhead expenses" shall mean and include all costs incurred in the conduct of business, including but not limited to: labor (including salaries of executives and officers), rent (which rent must be no less than fair market value based on current use), interest on borrowed capital, depreciation, selling cost, maintenance of equipment, transportation or freight cost, losses due to breakage or damage; credit card

fees, or other charges; credit losses, all types of licenses, taxes, insurance and advertising.

(r) "Transfer price" shall mean and include the price used by a person in transferring motor fuel to itself or an affiliate for resale at another marketing level. Such price shall be determined using standard, functional accounting procedures.

(s) "Affiliate" shall mean any person who (other than by means of franchise) controls, is controlled by, or is under common control with, any other person.

Section 5. All persons engaged in commerce in this state are required to disclose, upon request, their transfer prices on each grade of motor fuel transferred or sold to itself or an affiliate for resale at another marketing level of distribution. Such disclosure shall only be made to those persons affected by such transfer prices or in any legal proceedings arising from this Act.

Section 6. It shall be unlawful for any person engaged in commerce in this state to sell or offer to sell motor fuel below cost or to sell or offer to sell it at a price lower than the seller charges other persons on the same day and on the same level of distribution, within the same market area, where the effect is to injure competition.

Section 7. It shall be unlawful for any person engaged in commerce in this state to sell or transfer motor fuel to itself or an affiliate for resale at another marketing level of distribution at a transfer price that is below cost or lower than the price it charges a person who purchases for resale on the same day and at the same distribution level, within the same market area, where the effect is to injure competition.

Section 8. (1) It is not a violation of this Act if a difference exists between the transfer price or sales price of motor fuel of like grade and quality and the price charged to a person who purchases for resale at the same level of distribution, including any discounts, rebates, allowances, services, facilities granted any of a supplier's own marketing operations in excess of those provided to a person who purchases for resale at the same level of distribution, if the lower price is due to a cost differential incurred because of a difference in shipping method, transportation, marketing, sale or quantity, in which such motor fuel is sold.

(2) It is not a violation of this Act if any price is established in good faith to meet an equally low price of a competitor in the same market area on the same level of distribution selling the same or a similar product of like grade and quality or is exempt under Section 13 of this act.

Section 9. It shall be unlawful under this section:

(1) For any person engaged in commerce in this state to sell or offer to sell motor fuel at wholesale or retail, as the case may be, where the effect is to injure competition.

(2) For any person, where the effect is to injure competition, to offer a rebate, to give a rebate, to offer a concession of any kind in connection with the sale of motor fuel.

(3) For any retailer to induce or attempt to induce or to procure or attempt to procure the purchase of motor fuel at a price less than cost to wholesaler.

Any person who violates any provision of this section shall be subject to the provisions and penalties of this act.

Section 10. In all advertisements, offers for sale or sales involving two (2) or more items, at least one (1) of which items is motor fuel, at a combined price, and in all advertisements, offers of sale, or sales, involving the giving of any gift or concession of any kind whatsoever (whether it be coupons or otherwise), the wholesaler's or retailer's combined selling price shall not be below the cost to the wholesaler or the cost to the retailer, respectively, of the total of all articles, products, commodities, gifts and concessions included in such transactions, except that if any such articles, products, commodities, gifts or concessions, shall not be motor fuel, the basic cost thereof shall be determined in like manner as provided in item (n) of Section 4 of this act.

Section 11. When one wholesaler sells motor fuel to any other wholesaler, the former shall not be required to include in his selling price to the latter "cost to the wholesaler" as provided by Section 4 of this act, but the latter wholesaler, upon resale to a retailer, shall be subject to the provisions of said section.

Section 12. (1) The provisions of the Motor Fuel Marketing Act shall not apply to a sale at wholesale or a sale at retail made (a) in an isolated transaction and not in the usual course of business; (b) where motor fuels are advertised, offered for sale, or sold in a bona fide clearance sale for the purpose of discontinuing trade in such motor fuel, and said advertising, offer to sell, or sale shall state the reason thereafter and the quantity of such motor fuel advertised, offered for sale, or to be sold; (c) where motor fuel is advertised, offered for sale, or sold as imperfect or damaged, and said advertising, offer of sale or sale shall state the reason therefor and the quantity of such motor fuel advertised, offered for sale, or to be sold; (d) where motor fuel is sold upon the final liquidation of a business; or (e) where motor fuel is advertised, offered for sale, or sold by any fiduciary or other officer under the order or direction of any court.

(2) The notice required to be given under this section shall not be sufficient unless the subject of such sales is kept separate from other stocks and clearly and legibly marked with the reason for such sales, and any advertisement of such goods must indicate the same facts and the quantity to be sold.

Section 13. (1) Any wholesaler may advertise, offer to sell, or sell motor fuel at a price made in good faith to meet the price of a competitor who is rendering the same type service and is selling the same article at cost to the said competing wholesaler as defined in this act. Any retailer may advertise, offer to sell, or sell motor fuel at a price made in good faith to meet the price of a competitor who is selling the same article at cost to the said competing retailer as defined in this act. The price of motor fuel advertised, offered for sale, or sold under the exceptions specified in Section 12 of this act shall not be considered the price of a competitor and shall not be used as a basis for establishing prices below cost, nor shall the price established at a bankrupt sale be considered the price of a competitor within the purview of this section.

(2) In the absence of proof of the actual cost to the said competing wholesaler or the said competing retailer, as the case may be, such cost may be presumed to be the lowest cost to wholesalers or the lowest cost to retailers, as the case may be, within the same market area as determined by a cost survey made pursuant to subsection (2) of Section 15 of this act.

Section 14. Any contract, express or implied, made by any person in violation of any of the provisions of this act, is illegal and void and no recovery shall be had thereon.

Section 15. (1) In determining cost to the wholesaler and cost to the retailer, the court of jurisdiction shall receive and consider as bearing on the bona fides of such cost, evidence tending to show that any person complained against under any of the provisions of this act purchased the motor fuel involved in the complaint, at a fictitious price, or upon terms, or in such manner, or under such invoices, as to conceal the true costs, discounts or terms of purchase, and shall also receive and consider as bearing on the bona fides of such costs, evidence of the normal, customary and prevailing terms and discounts in connection with other sales of a similar nature in the market area.

(2) Where a cost survey pursuant to recognized statistical and cost accounting practices has been made for a market area in which a violation of this act is committed or charged, to determine and establish on the basis of actual existing conditions the lowest cost to wholesalers or the lowest cost to retailers within the said area, the said cost survey shall be deemed competent evidence in any action or proceeding under this act as tending to prove actual cost to the wholesaler or actual cost to the retailer complained against, but any party against whom any such cost survey may be introduced in evidence shall have the right to offer evidence tending to prove any inaccuracy of such cost survey or any state of facts which would impair its probative value.

Section 16. (1) Any person who violates this act shall be subject to a civil penalty not to exceed ten thousand dollars (\$10,000.00) per violation for each offense. Any such person shall also be liable for attorney fees and shall be subject to injunctive relief. Each day that a violation of this act occurs shall be considered as a separate violation.

(2) Such penalty may be assessed and recovered in a civil action brought by the Attorney General, or by any district attorney in any court of competent jurisdiction. If brought by a district attorney, the entire amount of the penalty shall be paid to the treasury of the county in which the judgment was entered. If brought by the Attorney General, one-half of the penalty shall be paid to the treasury of the county where the action was brought and one-half shall be paid to the State Treasury.

Section 17. (1) Any person injured by any violation, or who would suffer injury from any threatened violation, of this act may maintain an action in any court of equity jurisdiction to prevent, restrain, or enjoin such violation or threatened violation. If in such action a violation or threatened violation of this act shall be established, the court shall enjoin and restrain, or otherwise prohibit, such violation or threatened violation and, in addition thereto, the court shall assess in favor of the plaintiff and against the defendant the costs of suit, including reasonable attorney's fees. In such action it shall not be necessary that actual damages to the plaintiff be alleged or proved, but where alleged and proved, the plaintiff in said action, in addition to such injunctive relief and cost of suit, including reasonable attorney's fees, shall be entitled to recover from the defendant the damages sustained by him.

(2) A person injured as a result of an act or practice which violates this act may bring a civil action for appropriate relief, including an action for a declaratory judgment, injunctive relief, and for actual damages. Any actual damages found to have resulted from violations of this act shall be trebled

by the court in making its award. Any action under this subsection shall be brought within two (2) years after the alleged violations occurred.

(3) The court, in making an award under subsection (2) of this section, may award court costs and reasonable attorney's fees to the prevailing party.

(4) The courts of this state are empowered with jurisdiction to hear and determine all cases brought under this section. Venue lies in any county where the defendant or any of them resides or does business or where the cause of action accrues.

Section 18. In any action brought under Section 15, 16, or 17 of this act, upon a prima facie showing of a violation, the burden of rebutting the prima facie case thus made by showing justification shall shift to the defendant. A prima facie showing of a violation shall be constituted if the plaintiff shows:

(a) That the plaintiff's purchase price from a refiner or wholesaler is greater than said refiner's transfer price; or

(b) That the plaintiff's purchase price from a refiner or wholesaler plus the plaintiff's cost of doing business is greater than said refiner's or wholesaler's retail posted sales price; or

(c) That the plaintiff's basic cost of motor fuel plus the plaintiff's cost of doing business is greater than the posted sales price at a retail location of a competitor, within the plaintiff's marketing area, suspected of selling motor fuel in violation of this act.

Section 19. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this act are repealed.

Section 21. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 98; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

And the bill, S. 458 as thus amended, was read a third time at length and passed.

Yeas 100; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—100

Nay: Rep. Turnham.

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And the bill:

H. 846. To amend Section 40-20-2, Code of Alabama 1975, so as to provide certain exemptions for occluded natural gas produced from coal seams and to provide for an expiration date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Beers, Biddle, Black, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Warren, White (G), White (L) and Zoghby.

—81

And the bill:

H. 697. (With Amendment): To amend Section 40-2-64, Code of Alabama 1975 so as to remove the limitation of the number of assistant counsels which may be appointed to transact the legal business of the Department of Revenue.

Was taken up.

The question was then on the adoption of the amendment reported by

the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 697 on page 1, line 27 by deleting the figure "seven" and inserting in lieu thereof:

not more than fifteen

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Biddle, Black, Blakeney, Bowling, Box, Brooks, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Cosby, Crow, Davis, Escott, Faulk, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McMillan, Mathis, Melton, Mitchell, Newman, Nicholson, Penry, Perdue, Poole, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Turner, Venable, Warren, White (L) and Zoghby.

—60

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 302. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 337. To provide for a state income tax refund check-off designation for the support of programs for the aging in Alabama.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 454. To amend § 40-23-7, Code of Alabama 1975, so as to revise the payment schedule to require that payers of large State sales tax liabilities will pay on an estimate basis during the period in which the tax liability accrues and to provide for distribution of the revenues.

Also:

H. 598. To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to authorize the department of economic and community affairs to prescribe procedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe penalties for violations of this act; to provide for certain personnel for the department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama, 1975.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 697 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Zoghby, the motion offered by Rep. Laird to postpone further consideration of the bill, H. 697 as amended, to the twenty-fifth legislative day, was tabled.

Yeas 34; Nays 29.

Yeas:

Mr. Speaker, Blake, Box, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Clark (J), Crow, Davis, Escott, Fuller, Goodwin, Harvey, Holley, Holmes, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McNair, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Perdue, Rogers, Spratt, Tanner and Zoghby.

Nays:

Reps.: Bachus, Beers, Blakeney, Boles, Brooks, Cosby, Faulk, Gaston, Grayson, Harper, Hettinger, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, Marietta, Mikell, Payne, Penry, Rains, Rice, Sasser, Starr, Venable, Warren, White (G), and White (L).

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AMENDMENT OFFERED

Rep. Laird offered the following amendment to the bill, H. 697 as amended:

Amend House Bill 697 on page 1, line 27 by deleting the figure “seven” and inserting in lieu thereof:

not more than nine

MOTION TO POSTPONE

Rep. Zoghby offered the motion to postpone further consideration of the bills, H. 697 as amended, and the pending amendment and the bill, H. 698, temporarily.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Harper to postpone further consideration of the bills, H. 697 as amended and the pending amendment, and the bill, H. 698, until later in the day, was adopted.

Yeas 62; Nays 8.

Yeas:

Reps.: Adams, Bachus, Beers, Black, Blake, Blakeney, Bowling, Britnell, Browder, Bryant, Burke, Buskey (James), Buskey (John), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Gaston, Gray, Grayson, Harper, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, McNair, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Poole, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starr, Tanner, Trammell, Venable, White (G), and White (L).

—62

Nays:

Reps.: Box, Brooks, Bugg, Carothers, Harvey, Kennedy, Martin and Zoghby.

—8

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 302. RELATIVE TO LEGISLATIVE MEETING DATES FROM THURSDAY, APRIL 26, 1984, THROUGH TUESDAY, MAY 1, 1984.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 690. To provide that those officials authorized to issue motor vehicle license plates shall have the authority to require proof of payment of the Federal Heavy Motor Vehicle Excise Tax imposed by Title 26 U.S.C. § 4481, in order to insure that the State of Alabama does not suffer any reduction in the State's share of federal highway funds as provided by Title 23 U.S.C. § 141(d), and to prohibit the issuance of motor vehicle license plates to those motor vehicles having a taxable gross weight of more than 33,000 pounds until the applicant provides proof that the tax imposed by Title 26 U.S.C. § 4481, has been paid for the particular motor vehicle sought to be registered and licensed.

Was taken up.

AMENDMENT OFFERED

Rep. Clark (J) offered the following amendment to the bill, H. 690:

On Page 1, line 31 and simultaneously on Page 2, line 9, delete the language "more than" and insert between the words "pounds" and "until" the new language "or more".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Hooper, Johnson (R.G.), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Lauderdale, McKee, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Penry, Perdue, Poole, Rains, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Venable, Warren, White (F) and White (L).

—71

Nay: Rep. Brooks.

—1

And the bill:

H. 690. To provide that those officials authorized to issue motor vehicle license plates shall have the authority to require proof of payment of the

Federal Heavy Motor Vehicle Excise Tax imposed by Title 26 U.S.C. § 4481, in order to insure that the State of Alabama does not suffer any reduction in the State's share of federal highway funds as provided by Title 23 U.S.C. § 141(d), and to prohibit the issuance of motor vehicle license plates to those motor vehicles having a taxable gross weight of 33,000 pounds or more until the applicant provides proof that the tax imposed by Title 26 U.S.C. § 4481, has been paid for the particular motor vehicle sought to be registered and licensed.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Perdue, Poole, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Venable, Warren, White (F), White (L) and Zoghby.

—80

Nay: Rep. Brooks.

—1

And the bill:

H. 708. To provide for the voluntary dissolution of solvent subsidiary corporations organized under Alabama law; to provide for the transfer of rights and properties and assumption of liabilities and duties thereof; to provide for the execution, contents and filing of articles of dissolution; to provide for the issuance of a certificate of dissolution, the effect and time of effectiveness thereof; to provide that this act shall be included in the Code of Alabama 1975 as Section 10-2A-181A; and to provide for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Hall, Hammett, Harper, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman,

Nicholson, Parker, Payne, Penry, Perdue, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Venable, Warren, White (F), White (L) and Zoghby.

—78

Nay: Rep. Brooks.

—1

And the bill:

H. 367. To adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the Legislature during the 1983 First and Second Special Sessions and the 1983 Regular Session, as contained in the 1983 Cumulative Supplement to the Code of Alabama 1975 and the 1983 Replacement Volume 17 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

Was taken up.

S. 334 SUBSTITUTED FOR H. 367

On motion of Rep. Campbell, the bill, S. 334, was substituted for the bill, H. 367.

And the bill:

S. 334. To adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the Legislature during the 1983 Regular Session, as contained in the 1983 Cumulative Supplement to the Code of Alabama 1975 and the 1983 Replacement Volume 17 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

Was read a third time at length and passed.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McDowell, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Venable, Warren, White (F), White (L) and Zoghby.

—76

Nay: Rep. Brooks.

—1

H. 367 INDEFINITELY POSTPONED

On motion of Rep. Campbell, the bill, H. 367, was indefinitely postponed.

And the bill:

H. 185. To further amend the probate laws so as to clarify certain inconsistencies in portions of the "Probate Code" and probate laws by amending Sections 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-

316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-8-114, 43-8-132, as amended and repealing Sections 43-2-314, 43-2-317, 43-2-449, 43-2-466 as amended, of the Code of Alabama.

Was taken up.

S. 84 SUBSTITUTED FOR H. 185

On motion of Rep. Tanner, the bill, S. 84, was substituted for the bill, H. 185.

And the bill:

S. 84. To further amend the probate laws so as to clarify certain inconsistencies in portions of the "Probate Code" and probate laws by amending Sections 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-8-114, 43-8-132, as amended and repealing Sections 43-2-314, 43-2-317, 43-2-449, 43-2-466 as amended, of the Code of Alabama.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Rains, Rice, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—78

H. 185 INDEFINITELY POSTPONED

On motion of Rep. Tanner, the bill, H. 185, was indefinitely postponed.

And the bill:

H. 94. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending § 41-22-3, Code of Alabama, 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of §§ 41-22-12 through 41-22-21, Code of Alabama 1975, tax assessments, determinations, redeterminations and appeals, and related procedures and adjudicative proceedings which are governed by Title 40, Code of Alabama 1975 and which are governed by Article 7, Chapter 4, Title 25, Code of Alabama 1975 and certain pardon and parole hearings; by amending § 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an

effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice; by amending § 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending § 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending § 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending § 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending § 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending § 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending § 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; amending §§ 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

Was taken up.

AMENDMENT OFFERED

Rep. Campbell offered the following amendment to the bill, H. 94:

Amend House Bill 94 on page 24, line 25, by adding after the period the following language:

"All rules which were validly adopted by the Alabama Department of Environmental Management prior to October 1, 1984, following a public hearing and under procedures in effect at the times such rules were adopted shall be valid, and all such rules adopted by the aforesaid department shall be properly filed, indexed and included within the administrative code of the aforesaid department by July 1, 1985."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—78

AMENDMENT OFFERED

Rep. Campbell offered the following amendment #2 to the bill, H. 94 as amended:

Amend House Bill 94 on Page 19, Section 8, Subsection (d), line 8 by adding after the period the following:

Any notice required herein which is mailed by the petitioner, certified mail return receipt requested, shall be deemed to have been filed as of the date it is postmarked.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Dutton, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Horn, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Poole, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Venable, Warren, White (F), White (L) and Zoghby.

—75

Nay: Rep. Payne.

—1

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Box abstained from voting on the bill, H. 94, due to possible conflict of interest.

And the bill, H. 94 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Blakeney, Brakefield, Britnell, Brooks,

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Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, McNair, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Rains, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—79

And the bill:

H. 326. To amend Section 32-8-2 of the Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft Act, so as to redefine and clarify the definition of "owner".

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Poole, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—82

And the bill:

H. 752. To amend Chapter 17 of Title 27, Code of Alabama 1975, by adding a new section to modify the method of calculating reserves on burial insurance policies.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith,

Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—85

CO-SPONSOR ADDED

Rep. Escott was added as co-sponsor to the bill, H. 752.

And the bill:

H. 171. (With Amendment): To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, as amended, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend House Bill 171 on Page 6, Section 1, Subsection (b)(46), Line 6, after the stricken figure "\$.25" by striking the figure \$1.00 and inserting in lieu thereof the following:

\$.50

Further amend House Bill 171 on Page 6, Section 1, Subsection (b)(46), Line 8, after the stricken figure "\$5.00" by striking the figure \$15.00 and inserting in lieu thereof the following:

\$10.00

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Grayson, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Mathis, Melton, Mitchell, Moore, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, White (L) and Zoghby.

—72

AMENDMENT OFFERED

Rep. Adams offered the following amendment to the bill, H. 171 as amended:

Amend House Bill 171 on page 13, line 33, by striking the word "shall" and inserting in lieu thereof the word "may".

Further amend the bill on page 14, line 10, by striking the word "shall" and inserting in lieu thereof the word "may".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 3.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Davis, Escott, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Mathis, Melton, Mitchell, Moore, Nicholson, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, White (G), White (L) and Zoghby.

—77

Nays: Reps.: Brooks, Bray and Newman.

—3

S. 185 SUBSTITUTED FOR H. 171

On motion of Rep. Adams, the bill, S. 185, was substituted for the bill, H. 171 as amended

And the bill:

S. 185. To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, as amended, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

Was taken up.

AMENDMENT OFFERED

Rep. Grouby offered the following amendment to the bill, S. 185:

In the title, line 16, page 1, delete the period and add the following:

, provided further, however, that no probate judge in this state who is compensated on a fee system shall receive more than \$65,000.00 annually in such fees.

On page 24, after Section 7 on line 14, add the following new Section 8 and renumber the remaining sections accordingly:

Section 8. It is further provided that probate judges of this state who are compensated on a fee basis shall not receive more than \$65,000 annually in fees and charges for services rendered. All such fees generated and collected in excess of said \$65,000.00 shall be deposited in the general funds of the respective counties of such probate judges.

MOTION TO TABLE LOST

The motion offered by Rep. Adams to table the amendment offered by Rep. Grouby to the bill, S. 185, was lost.

Yeas 33; Nays 40.

Yeas:

Mr. Speaker, Blake, Blakeney, Britnell, Bryant, Burke, Buskey (James), Buskey (John), Campbell, Escott, Faulk, Ford, Fuller, Hammett, Harvey, Hettinger, Johnson (Roy), Lauderdale, Lindsey, McMillan, Martin, Mathis, Mitchell, Moore, Onderdonk, Perdue, Rice, Richardson, Rogers, Thomas, Venable, Warren and White (L).

—33

Nays:

Reps.: Adams, Albright, Bachus, Boles, Box, Brakefield, Brooks, Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Dutton, Flowers, Gaston, Gray, Grayson, Grouby, Holley, Hooper, Johnson (R.G.), Kvalheim, Laird, McDowell, McKee, McNair, Melton, Newman, Nicholson, Preuitt, Sasser, Smith, Starkey, Trammell, Turner, White (F) and White (G).

—40

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Grouby to the bill, S. 185, and the amendment was adopted.

Yeas 30; Nays 29.

Yeas:

Reps.: Bachus, Boles, Box, Brakefield, Brooks, Butler, Carothers, Clark (W), Cosby, Dutton, Escott, Gaston, Gray, Grayson, Grouby, Holley, Hooper, Kvalheim, McDowell, McKee, Mathis, Melton, Mikell, Rice, Smith, Spratt, Starkey, Trammell, Turner and White (G).

—30

Nays:

Mr. Speaker, Adams, Albright, Blake, Blakeney, Britnell, Bryant, Buskey (John), Campbell, Crow, Ford, Fuller, Harvey, Hettinger, Johnson (R.G.), Johnson (Roy), Laird, Lauderdale, Martin, Mitchell, Nicholson, Onderdonk, Richardson, Sasser, Thomas, Turnham, Warren, White (F) and White (L).

—29

And the bill, S. 185 as thus amended, was read a third time at length and passed.

Yeas 72; Nays 7.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Escott, Faulk, Ford, Fuller, Grayson, Grouby, Hammett, Harvey, Hooper, Johnson (R.G.), Johnson (Roy), Kennedy, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Martin, Mathis, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Penry, Pratt, Preuitt, Rice, Richardson, Sasser, Spratt, Starkey, Thomas, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—72

Nays:

Reps.: Brooks, Gray, Holley, McKee, Rains, Tanner and White (F).

—7

And the bill:

H. 107. To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 10.

Yeas:

Mr. Speaker, Albright, Bachus, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Hammett, Harvey, Hettinger, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—77

Nays:

Reps.: Brakefield, Brooks, Butler, Carter, Gray, McKee, Mitchell, Parker, Smith and White (G),

—10

H. 815 AGAIN TAKEN UP

H. 815 TEMPORARILY POSTPONED

On motion of Rep. Turnham, the bill, H. 815 as amended, which previously was temporarily postponed, was temporarily postponed.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 690. To provide that those officials authorized to issue motor vehicle license plates shall have the authority to require proof of payment of the Federal Heavy Motor Vehicle Excise Tax imposed by Title 26 U.S.C. § 4481, in order to insure that the State of Alabama does not suffer any reduction in the State's share of federal highway funds as provided by Title 23 U.S.C. § 141(d), and to prohibit the issuance of motor vehicle license plates to those motor vehicles having a taxable gross weight of 33,000 pounds or more until the applicant provides proof that the tax imposed by

Title 26 U.S.C. § 4481, has been paid for the particular motor vehicle sought to be registered and licensed.

JIMMY CLARK,
Chairman.

And the bill, H. 690 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 78. To amend Section 9-2-107, Code of Alabama 1975, relating to the State Park Revolving Fund, so as to provide that up to 2% of said fund may be encumbered each year for use in major repair and maintenance service of land, buildings, and permanent equipment fixed assets; and capital improvements or alteration to land, buildings, or permanent equipment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McNair, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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H. 697 AGAIN TAKEN UP

SUBSTITUTE AMENDMENT OFFERED

Rep. Laird offered the following substitute amendment to the bill, H. 697 as amended, and to the pending amendment:

Amend House Bill 697 on page 1, line 27 by deleting the figure seven and inserting in lieu thereof: not more than eleven

MOTION TO TEMPORARILY POSTPONE

Rep. Zoghby offered the motion to temporarily postpone further consideration of the bill, H. 697 as amended, and the pending amendments.

SUBSTITUTE MOTION TABLED

On motion of Rep. Zoghby, the substitute motion offered by Rep. Rice to postpone further consideration of the bill, H. 697 as amended, and the pending amendments until later in the day, was tabled.

Yeas 58; Nays 14.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Boles, Bowling, Box, Britnell, Brooks,

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Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Davis, Dutton, Escott, Goodwin, Grayson, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lindsey, McDowell, McNair, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Pratt, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Trammell, White (F) and Zoghby.

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Nays:

Reps.: Butler, Cosby, Gaston, Hooper, Kvalheim, Lauderdale, McKee, McMillan, Payne, Penry, Rice, Sasser, Venable and White (G).

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H. 697 TEMPORARILY POSTPONED

On motion of Rep. Zoghby, the bill, H. 697 as amended, and the pending amendments was temporarily postponed.

And the bill:

H. 158. To amend Section 41-16-50, Code of Alabama 1975, relating to the expenditure of public funds for leases or lease purchases; to establish an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Hall, Hammett, Harvey, Hettinger, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Perdue, Poole, Pratt, Preuit, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turnham, Venable, White (G), White (L) and Zoghby.

—78

And the bill:

H. 133. To provide that a local board of education shall allow a sick leave bank for its employees to be established upon the request of such employees.

Was taken up.

SUBSTITUTE OFFERED

Rep. Britnell offered the following substitute to the bill, H. 133;

A BILL
TO BE ENTITLED
AN ACT

To provide that a local board of education may at its discretion allow a

sick leave bank for its employees to be established upon the request of such employees.

Be It Enacted by the Legislature of Alabama:

Section 1. A local board of education, upon the request of ten percent of its full time certificated and full time support personnel, may at its discretion establish a sick leave bank plan for each of the two groups.

Section 2. Each plan shall allow each employee to deposit an equal number of days not to exceed five (5) days of his or her earned sick leave into the bank. Such days so deposited shall then be available to be loaned to any participating employee whose sick leave has been exhausted.

Section 3. Upon agreement by a local board of education to establish a sick leave bank, the board shall enact policies providing for uniform administration of the sick leave bank. Proposed rules and regulations for the operation of the sick leave bank shall be jointly developed by a committee comprised of equal numbers of representatives of the employees and the local board of education. Following the development of the proposed rules and regulations, the committee shall submit said proposed rules and regulations to the employees and the local board of education for approval. The accounting and administration of the sick leave bank shall be the responsibility of the local school board. Vacancies occurring on the committee shall be filled by the respective parties. No representative on the committee shall serve for a term longer than five (5) years.

Section 4. The sick leave banks as may be established shall include the following regulations but shall not be limited only to these regulations; but no local school board shall adopt any regulation that conflicts with the general regulations:

(a) No employee shall be allowed to owe more than 10 days more than the employee has on deposit to the sick leave bank, unless over 50% of the participating members of the bank vote to extend said limit.

(b) Application for sick leave loans shall be developed by the committee.

(c) Upon the resignation or other termination of an employee who has an outstanding loan of sick leave days, said value of loan shall be deducted from the final pay check and at the prevailing rate.

(d) A contributing employee to the program shall not be allowed to accumulate more than 150 days, including days accumulated in the sick leave bank.

(e) Participation in the sick leave bank shall at all times be voluntary on the part of the employee.

(f) Any alleged abuse of the use of the sick leave bank shall be investigated by the committee and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave bank and be subject to other appropriate disciplinary action as determined by the local school board.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

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Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Albright, Beers, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

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Nay: Rep. McDowell.

—1

And the bill:

H. 133. To provide that a local board of education may at its discretion allow a sick leave bank for its employees to be established upon the request of such employees.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 50. To amend Section 26-10-5, Code of Alabama 1975, relating to

adoption procedures and rights of natural and adopting parents, so as to provide further for certain rights of natural grandparents of the minor child.

Also:

H. 290. To provide for commercial operation of billiard tables on the premises of businesses located in certain areas of the several counties of this state when such operation has been licensed by the judge of probate as provided in Article 2, Chapter 6, Title 34 of the Code of Alabama 1975.

Also:

H. 471. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

Also:

H. 625. To create the Alabama Indian Affairs Commission; to provide for its duties and membership; to provide the method of appointment and compensation of said members; and to repeal Sections 41-9-700 through 41-9-707, Code of Alabama 1975.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 259. To amend Section 32-6-231, Code of Alabama 1975, relating to distinctive license plate decals and identification placards issued to handicapped persons for use in reserved parking spaces, so as to provide that any such individual may purchase two of such decals and placards.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rice, Richardson, Rogers,

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Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 259:

Mr. Speaker, Albright, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

And the bill:

H. 325. (with Substitute): To provide that the annual state salary payable circuit clerks and registers shall be \$35,000.00 so as to equitably adjust the ratio between said salaries and the salaries of other judicial officers and to appropriate such funds as may be necessary to pay such increase.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide that the annual state salary payable circuit clerks and registers shall be \$33,000.00 so as to equitably adjust the ratio between said salaries and the salaries of other judicial officers and to appropriate such funds as may be necessary to pay such increase.

Be It Enacted by the Legislature of Alabama:

Section 1. The annual salary of circuit clerks and registers payable from the State Treasury shall be fixed at \$33,000.00; provided that the provisions of this Act shall in no way apply to or otherwise diminish any local supplement currently provided to any circuit clerk or register pursuant to any general or local act; provided, further, that the salary of registers, payable from the State Treasury, shall be increased by the same amount which accrues to circuit clerks by virtue of this act except that in no event shall the provisions of this act cause a register's state salary to exceed \$33,000.00. In no event shall the annual state salary of any register be diminished by the provisions of this Act.

Section 2. The provisions of this Act shall not apply to Act 77-323 unless approved by resolution adopted by the governing body of the county or counties affected.

Section 3. There is hereby appropriated the sum of \$433,484.00 to the Unified Judicial System for the 1984-85 fiscal year to fund the provisions of this Act.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 5. All laws or parts of law which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective on September 30, 1984.

And the substitute was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Beers, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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AMENDMENT OFFERED

Rep. Boles offered the following amendment to the bill, H. 325 as amended:

Amend H. B. 325, Section 1, Page 1, line 25 to insert after the words circuit clerk "and deputy circuit clerks"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Albright, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

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And the bill:

H. 325. To provide that the annual state salary payable circuit clerks and registers shall be \$33,000.00 so as to equitably adjust the ratio between said salaries and the salaries of other judicial officers and to appropriate such funds as may be necessary to pay such increase.

As thus amended, was read a third time at length passed and ordered engrossed.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penny, Perdue, Poole, Pratt, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 319. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, May 1, 1984, we adjourn to meet again on Wednesday, May 2, 1984, at 12:00 noon.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 319, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 612. To amend Section 12-19-23, Code of Alabama 1975; to further provide for the fee to be collected in each judicial sale in any district or circuit court in this state; to provide a two dollar administrative fee for the receipt and disbursement of each payment made to the clerk of the circuit or district court or the register of the circuit court, whenever said clerk or register is required, either by order of the court or by statute to collect alimony, child support, or restitution on a periodic and continuing basis for the benefit of any individual, department or agency; to provide that the obligor of any such payment shall be responsible for the administrative fee herein created; to provide for notice to those persons responsible for said fee and to provide that said administrative fee shall be disbursed to the State general fund; to repeal Section 12-19-230 through Section 12-19-238 providing for witness fees in criminal cases; to provide for the severability of the provisions of this Act; and to provide for an effective date.

Was taken up.

SUBSTITUTE OFFERED

Rep. Turnham offered the following substitute to the bill, H. 612:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 12-19-23, Code of Alabama 1975, to further provide for the fee to be collected in each judicial sale in any district or circuit court in this state; to provide a two dollar administrative fee for the receipt and disbursement of each payment made to the clerk of the circuit or district court or the register of the circuit court, whenever said clerk or register is required, either by order of the court or by statute to collect alimony, child support, or restitution on a periodic and continuing basis for the benefit of any individual, department or agency; to provide that the obligor of any such payment shall be responsible for the administrative fee herein created; to provide for notice to those persons responsible for said fee and to provide that said administrative fee shall be disbursed to the State general fund; to repeal Section 12-19-230 through Section 12-19-238 providing for witness fees in criminal cases; to provide for the severability of the provisions of this Act; and to provide for an effective date.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. Section 12-19-23, Code of Alabama 1975, is hereby amended to read as follows:

§12-19-23. (a) The following fees shall be collected from the proceeds derived from any For each judicial sale in any district or circuit court in this state: a fee, which shall equal one percent of the sales price, shall be collected from the proceeds of such sale prior to any other distribution therefrom.

- (1) ~~For the first \$300.00, two percent;~~
- (2) ~~From all over \$300.00, and not exceeding \$2,000.00, one and one half percent;~~
- (3) ~~For all over \$2,000.00 and not exceeding \$20,000.00, one percent;~~
and
- (4) ~~for all over \$20,000.00, one fourth of one percent.~~

(b) ~~Such fees are to be collected from the proceeds of such sale price to any other distribution and are~~ The fee provided herein is in addition to any other fees or costs which may be authorized by law. Fees collected as herein prescribed shall be remitted to the state general fund.

(c) This section shall apply to any judicial sale in any district or circuit court made ~~on or after May 17, 1981~~ October 1, 1984, provided the case was filed after January 15, 1977, and provided further that the provisions of this section shall not apply to any judicial sale in any probate court in this state.

Section 2. There is hereby imposed an administrative fee of \$1.00 to be collected by the clerks of the circuit and district courts and the registers of the circuit courts for the receipt and disbursement of each periodic payment made to their offices under any order, decree or judgment of the circuit or district court which provides for periodic and continuing payments of alimony, child support, or court-ordered restitution, except for payments received from a responding state pursuant to Title 30, Chapter 4, Sections 80-98, Code of Alabama 1975. Said fee shall be collected from the individual

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responsible for the periodic payments at the time each payment is receipted through the office of the clerk or register, whether such payment is collected for the benefit of a private individual or the state, including any department or agency thereof and whether the duty to collect such payments is imposed upon the clerk or register by statute, court rule or order of the court. Provided, however, that in the event the obligor fails to submit sufficient funds to cover the fee and the required payment at the time such payment is made, then said fee shall be deducted from the proceeds of the payment prior to any other distribution thereof, except in cases arising under Title IV-D of the Social Security Act, as amended, and the obligor shall be in default to the obligee for the amount so deducted. Said fee shall be remitted to the state general fund.

Section 3. The clerks of the circuit and district courts and the registers of the circuit court shall provide written notice to each person who is currently under an obligation to make periodic payments as provided in Section 2 if such obligation will continue beyond September 30, 1984, advising them of the administrative fee prescribed herein for the receipt and disbursement of each such payment. Said notice shall be served by first class mail at the last known address of the obligor, and the date of mailing shall be noted on the case action summary of the underlying case for which said payments are being made. Said fee to become due and payable for any payment as prescribed in Section 2 made on or after October 1, 1984.

Section 4. Sections 12-19-230 through 12-19-238, Code of Alabama 1975, providing for witness fees in criminal cases are hereby repealed.

Section 5. All other provisions of law in conflict with the provisions of this Act are hereby expressly repealed.

Section 6. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law; provided that the provisions of Sections 1 and 4 shall not become operative until October 1, 1984.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 75; Nays 3.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—75

Nays: Reps.: McKee, McNair and Payne.

And the bill, H. 612 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 6.

Yeas:

Mr. Speaker, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark Clark (J), Clark (W), Coburn, Coleman, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Grayson, Grouby, Hammett, Harper, Hettinger, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Newman, Nicholson, Onderdonk, Penry, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

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Nays: Reps.: Gray, Holley, McKee, Parker, Payne and White (G).

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MOTION TO ADJOURN

Rep. Carothers offered the motion that the House adjourn until 12:00 o'clock noon, Wednesday, May 2, 1984.

SUBSTITUTE MOTION TABLED

On motion of Rep. Carother, the substitute motion offered by Rep. Turner that the House recess until 9:00 o'clock p.m., was tabled.

Yeas 53; Nays 40.

Yeas:

Reps.: Adams, Biddle, Blake, Boles, Bowling, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (James), Carothers, Carter, Clark (D), Coburn, Cosby, Davis, Escott, Flowers, Ford, Goodwin, Grayson, Grouby, Hammett, Holmes, Hooper, Horn, Johnson (R.G.), Junkins, Laird, Lauderdale, McKee, McNair, Martin, Mathis, Melton, Newman, Nicholson, Penry, Perdue, Preuitt, Rice, Rogers, Sasser, Starkey, Tanner, Thomas, Trammell, Venable, Warren, White (F), White (G) and White (L).

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Nays:

Mr. Speaker, Bachus, Black, Blakeney, Box, Brooks, Browder, Buskey (John), Butler, Campbell, Clark (J), Clark (W), Coleman, Crow, Dutton, Faulk, Gaston, Gray, Harvey, Hettinger, Holley, Johnson (Roy), Kennedy, Kvalheim, McMillan, Marietta, Mikell, Mitchell, Onderdonk, Parker, Payne, Pratt, Rains, Richardson, Smith, Spratt, Starr, Turner, Turnham and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 141. To amend Section 16-1-18, Code of Alabama 1975, relating to school bus drivers and certain full-time support personnel employed by the boards of control of city and county school systems and the Alabama Institute for Deaf and Blind, so as to provide further for the maximum accumulated days not utilized or being paid for sick leave.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senators Drinkard, Bennett, and Strong:

S. 147. To amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975, to provide full-time teachers who teach the entire academic year with at least two weeks of vacation.

Also:

By Senator Barron:

S. 380. To allow certain foreign corporations which qualify for S corporation treatment under the Internal Revenue Code to pass the tax treatment through to shareholders as provided by the Internal Revenue Code instead of being taxed as provided by Section 40-18-31, Code of Alabama 1975, on the entire net income of the corporation; and to provide for the determination of the amount of taxable income for such corporations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 147. Ways and Means.

S. 380. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Holmes:

S. 16. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

Also:

By Senator Holmes:

S. 20. To permit small businesses and individuals to recover the costs of defending against a state agency when they prevail in court upon appeal.

Also:

By Senators Strong, Sanders, Parsons, Figures, Bedsole, Bailey, and Teague:

S. 305. To authorize the Chancellor of Postsecondary Education to establish multipurpose programs at designated two-year institutions to provide the necessary training, counseling, and services to enable displaced homemakers to experience economic security vital to productive lives; and to provide for the appointment of a director to administer the statewide network of multipurpose programs.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 16. Small Business.

S. 20. Small Business.

S. 305. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Bedsole:

S. 97. To amend Section 36-21-9, Code of Alabama 1975, which provides that honorably retired law enforcement officers are eligible to carry handguns, so as to include retired bailiffs within said eligibility.

Also:

By Senator Bedsole:

S. 440. To amend Section 36-1-4.1, Code of Alabama 1975, relating to definitions of charitable organizations for which public officers and employees may authorize contributions through payroll deductions, so as to provide further therefor.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 97. State Administration.

S. 440. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Bailey:

S. 126. To provide that a local board of education may at its discretion allow a sick leave bank for its employees to be established upon the request of such employees.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 126. Education.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Teague:

S. 407. To authorize and direct the commissioner of conservation and natural resources to return by a proper conveyance to Amos Garrett that certain parcel of real property in Baldwin County heretofore conveyed by Amos Garrett to the State of Alabama to be used for the location of a highway bridge which site was abandoned by the state for that purpose and the bridge was constructed at another site.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 407. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Amari and Menton:

S. 449. To insure that all persons whose primary condition is mental retardation and are accused of a crime, be identified by appropriate testing procedures between the time of their arrest and first formal court appearance so that insofar as is possible within the existing criminal justice sys-

tem, such individuals can be most fairly processed in view of their special problems.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 449. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Dial (With Notice and Proof):

S. 153. To permit banks now or hereafter situated in Chambers County to establish, maintain or operate branch banks and branch offices within said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 153, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919

McDOWELL LEE,
Secretary.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 153. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Foshee and Hand:

S. 192. To make a supplemental appropriation from the general fund in the state treasury to the office of the Secretary of State the fiscal year ending September 30, 1984.

Also:

By Senators Goodwin, Barron, Corbett, Dixon, Langford, Bedford, Parsons, Strong, Foshee, and Covington:

S. 395. To amend Section 36-22-16 of the Code of Alabama, 1975, to

provide for the compensation of the sheriffs of the several counties in this state.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 192. Ways and Means.

S. 395. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Holmes:

S. 15. To make an appropriation from the Special Educational Trust Fund to the State of Alabama Small Business Procurement System.

WHEREAS, in 1982 the U. S. Government spent \$3.2 billion for procurement in Alabama and Alabama firms received only five percent (5%) of that business; and

WHEREAS, the purpose of the System is to build on the existing network of twelve (12) Small Business Development Centers (SBDC's) in Alabama to develop government procurement/contracting opportunities for Alabama small businesses; and

WHEREAS, the proposed automated data-based State of Alabama Small Business Procurement System would have the following configuration:

1. System development, maintenance, and control functioning would be housed at the ASBDC State Office at The University of Alabama in Birmingham.

2. System Input—Information concerning invitations for bid (IFB), pre-bid announcements and related contract data would be accumulated from federal government purchasing offices in Florida, Georgia, Alabama, Mississippi, Louisiana, and Tennessee; State of Alabama purchasing offices; local government agencies including county, city, school board, and related agencies; and prime contractors and private industry summarized and entered into the system. Contracting capabilities of Alabama firms would be entered into the system.

3. System Output—System would match each client firm's capabilities with contracting opportunities and prepare pre-mailer to firm as notification of the contracting opportunity on a weekly basis. This output would occur at each of the twelve (12) local SBDC's. Local SBDC staff would provide follow-through with client firms and on-going consultation; and

WHEREAS, the proposed System, after two (2) years of operation,

should double the amount of government contracting dollars going to Alabama's small businesses; now therefore,

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 15. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Menton:

S. 121. To amend Section 9-12-113 of the Code of Alabama 1975, as last amended, relating to certain hook and line, net, and seine licenses, so as to provide that the cost of a commercial hook and line license is \$25.00; to provide for a charge of \$100.00 for purse seine licenses regardless of the size of the purse seines; to require name and license number tags on all nets except purse seines; to delete the definition of nonresident; and to provide that all nets fished in an illegal manner shall be declared a nuisance and shall be subject to condemnation and forfeiture.

Also:

By Senators Figures and Bedsole:

S. 372. To make an appropriation to the Louisiana, Mississippi, Alabama Rapid Rail Transit Commission.

Also:

By Senator Teague:

S. 484. To amend Section 36-27-6(a), Code of Alabama 1975, to permit the full-time employees and executive officers of the Alabama State Employees' Association and the Alabama Retired State Employees' Association to participate in the Employees' Retirement System of Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 121. Natural Resources.

S. 372. Ways and Means.

S. 484. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Little:

S. 156. To amend section 3-1-29 of the Code of Alabama 1975, which section prohibits certain activities relating to fighting of dogs, so as to provide further for procedures relating to such prohibited activities.

Also:

By Senators Bedford, Foshee, Cooley, Corbett, Barron, Figures, Hilliard, Teague, Denton, Strong, and Hand:

S. 328. To amend Section 12-13-20, Code of Alabama, 1975, as amended, which relates to salaried probate judges' minimum compensation so as to further provide for such compensation.

Also:

By Senators Goodwin, Foshee, Parsons, Corbett, and Bishop:

S. 371. To amend Section 36-22-63, Code of Alabama 1975, relating to the purchase of prior service credit for participation in the supernumerary sheriff's program, so as to extend the time within which such a purchase may be made.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 156. Public Welfare.

S. 328. Local Government.

S. 371. Local Government.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 133. To provide that a local board of education may at its discretion allow a sick leave bank for its employees to be established upon the request of such employees.

JIMMY CLARK,
Chairman.

And the bill, H. 133 as engrossed, was sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 325. To provide that the annual state salary payable circuit clerks and registers shall be \$33,000.00 so as to equitably adjust the ratio between said salaries and the salaries of other judicial officers and to appropriate such funds as may be necessary to pay such increase.

JIMMY CLARK,
Chairman.

And the bill, H. 325 as engrossed, was ordered sent to the Senate.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:50 P.M. on May 1, 1984.

H. J. R. 302

JOHN W. PEMBERTON,
Clerk.

MOTION ADOPTED

The question was then on the motion offered by Rep. Carothers that the House adjourn until 12:00 o'clock noon, Wednesday, May 2, 1984, and the motion was adopted.

ADJOURNMENT

On motion of Rep. Carothers and pursuant to the resolution, H. R. 319, heretofore adopted, the House adjourned until 12:00 o'clock noon, Wednesday, May 2, 1984.

TWENTY-FIFTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, May 2, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Joe Burke, First Baptist Church, Rainsville, Alabama.